Ireland. Laws, statutes, etc. Compilations

THE

STATUTES

AT LARGE,

PASSED IN THE

PARLIAMENTS

HELD IN

IRELAND:

FROM

The Third Year of EDWARD the Second, A. D. 1310,

TO THE

Twenty sixth Year of GEORGE the Third, A. D. 1786 inclusive:

WITH

MARGINAL NOTES, and a Complete INDEX to the Whole.

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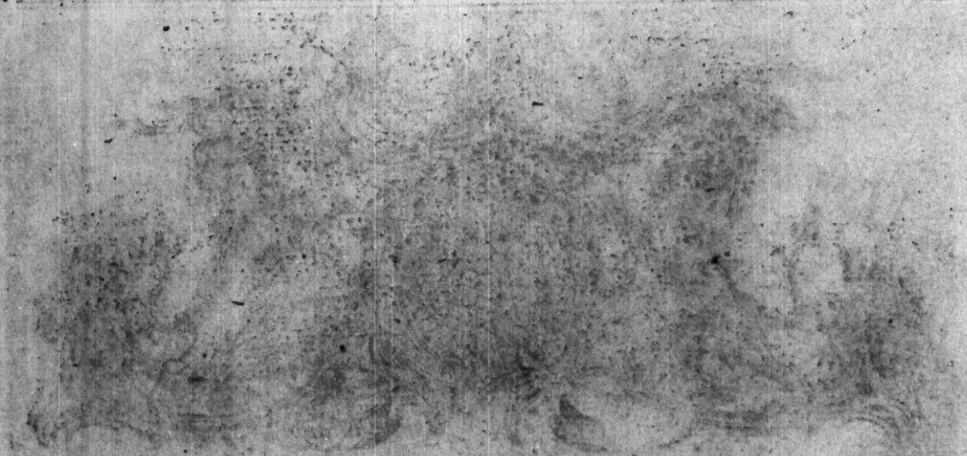
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VOL. III.

Containing from the Seventeenth and Eighteenth Years of CHARLES the Second, A. D. 1665, to the Tenth Year of WILLIAM the Third, A. D. 1698 inclusive.

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A

COLLECTION

OF

STATUTES.

Anno XVII & XVIII Caroli II. Regis ſtatuta, actus, ordinationes & proviſiones in ſeſſion. Parliament. prædict. apud Dublin. prædict. viceſimo ſexto die Octob. Anno Regni dict. Dom. Regis nunc decimo ſeptimo coram præfat. locum. tenent. ſimilit. tent. edit. in hæc verba. A. D. 1665.

CHAP. I.

¶ *An Act for the Grant of four entire Subſidies by the Temporalty.*

WHEREAS his Majeſtie's occaſions in this kingdome will neceſſarily require a further ſupply of money then hath beene as yet by this preſent Parliament granted unto your Majeſtie, which the commons in this Parliament aſſembled conſidering doe humbly beſeech your Majeſtie that it may be enacted, and be it enacted by the King's moſt excellent Majeſtie, by and with the conſent of the lords ſpirituall and temporall and commons in this preſent Parliament aſſembled, that your Majeſtie, your heirs and ſucceſſors, ſhall have, receave and enjoy foure entire ſubſidies of the temporalty of this your kingdome of Ireland, each of which to be fifteen thouſand pounds, and the ſaid foure ſubſidies to be paid by equal portions, quarterly, from and imediately after the determination of the dayes limitted for the payment of the eight ſubſidies granted formerly by this preſent Parliament, and the ſame to be over and above the ſaid eight ſubſidies by this preſent Parliament formerly granted to your

A. D. 1665.

your Majeſtie; the ſame to be rated, taxed and leavied of all and every perſon and perſons of what eſtate he or they be, according to the ſame rules, rates and proportions, and in the ſame manner and forme, and by the ſame perſons, powers and authorities, as the ſaid eight entire ſubſidies, formerly granted to your Majeſtie by this preſent Parliament, are to be paid and leavied, and as in an act in this preſent Parliament, intituled *An Act for the grant of eight entire ſubſidies by the temporalty*, are mencioned and expreſſed.

CHAP. II.

An Act for the explaining of ſome Doubts ariſing upon an Act intituled, An Act for the better Execution of his Majeſtie's gracious Declaration for the Settlement of his Kingdom of Ireland, and Satisfaction of the ſeveral Intereſts of Adventurers, Soldiers and other his Subjects there, *and for making ſome Alterations of and Additions unto the ſaid Act, for the more ſpeedy and effectual Settlement of the ſaid Kingdom.*

10 *Wil.* 3. 7. *confirming poſſeſſions under this and the act of ſettlement.*

10 *Wil.* 3. 16. *right of eccleſiaſtical perſons ſaved; and* 2 *Anne* 9. *quieted.*

Doubts and difficulties ariſen in carrying the act of ſettlement into execution.

So that a full and final ſettlement thereon cannot be attained.

WHEREAS in carrying on of that ſervice which was appointed by a former act, intituled, *An Act for the better execution of his Majeſtie's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there*, ſeveral doubts and difficulties have ariſen, partly from the uncertain and ambiguous penning of divers clauſes in the ſaid act, and partly from other accidents, which could not then be foreſeen, to the great obſtruction and hinderance of the publique ends and aims intended by that act to be promoted, and the very great diſappointment of ſeveral perſons and intereſts, which were thereby intended to be ſecured, inſomuch that the full and final ſettlement of this your Majeſtie's kingdom can hardly be attained by any further proceedings upon the ſaid act, as is already manifeſt by the experience which hath been had in the execution thereof: to the end therefore that your Majeſtie's moſt gracious and juſt intentions by that act declared may ſtill be purſued as far as remains poſſible, the revenues of the church ſettled and increaſed, your Majeſtie's dutiful and loyal ſubjects quieted and ſecured in their juſt poſſeſſions, and the minds of all men ſo compoſed, that there may be a general and univerſal care and induſtry by building, planting, and all other ways of improvement, to repair and amend the ruins and deſolations of this your Majeſtie's kingdom; may it pleaſe your moſt excellent Majeſty that it may be enacted, and be it enacted by your moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled,

Ends of this act.

Enacting part.

A. D. 1665. Chap. 2.

All honors, lands, &c. ſeiſed or ſequeſtered in the King on account of rebellion in 1641, or allotted or diſtributed, adjudged in the real and actual poſſeſſion of the King without office or inquiſition.

ſembled, and by the authority of the ſame, that all honors, manors, caſtles, houſes, places, lands, tenements and hereditaments, right, title, ſervice, chiefry, uſe, truſt, condition, fee, rent-charge, chattles real, mortgage, right of redemption of any mortgages, recognizances, judgments, forfeitures, extent, right of action, right of entry, ſtatute, or any other eſtate of what nature or kind ſoever, in all and every the counties, baronies, cities, townes corporate, and walled towns within this kingdom, which at any time from and after the twenty third of October one thouſand ſix hundred and forty one were ſeiſed or ſequeſtered into the hands, or to the uſe, of his late Majeſty King Charles the firſt, or of your moſt gracious Majeſtie that now is, or otherwiſe diſpoſed of, diſtributed, ſet out, or ſet apart, by reaſon of or upon accompt of the late horrid rebellion or war, which began or broke out in this kingdom upon the twenty third of October one thouſand ſix hundred and forty one, or which were allotted, aſſigned, given, granted, ordered, diſtributed, diſpoſed, demiſed, ſet out or ſet apart to or for any perſon or perſons uſe or uſes, for adventurers, arrears, reprizals, or otherwiſe, or whereof his late Majeſty, or your Majeſty that now is, or any adventurer, ſouldier, reprizable perſon or others reſpectively, had and received the rents, iſſues and profits by reaſon or upon account of the ſaid rebellion or war, or whereof the adventurers, officers, or ſouldiers, now or formerly of the Engliſh army in this kingdom, or tranſplanted or tranſplantable perſons, or any of them, or their or any of their heir, heirs or aſſigns, or any other perſon or perſons whatſoever upon account of the ſaid rebellion or war in this kingdom, were in ſeizin, poſſeſſion or occupation by themſelves, their tenants, agents, or aſſigns on the ſeventh of May one thouſand ſix hundred and fifty nine, or which were aſſigned, given, granted, laid out, ſet apart or reſerved for or towards the ſatisfaction of any the ſaid adventurers, ſouldiers, or other perſons, for or in conſideration of any money or proviſions advanced, lent or furniſhed, or for arrears of pay, or in compenſation of any ſervice or reputed ſervices, or other account whatſoever, or reſerved, or mentioned to be reſerved, for or in order to a reprizal, or reprizals, for ſuch incumbrances as then were, now are, or ſhall be adjudged due to any perſon or perſons out of the ſaid lands, tenements or hereditaments, or for any other uſe, intent or purpoſe whatſoever, or whereof any *cuſtodiam*, leaſe for year or years, or other diſpoſition or grant whatſoever hath been made; or unto which your royal father, or your Majeſtie are any ways intituled by reaſon of or upon account of the ſaid rebellion or war, or which are wrongfully detained or concealed by any perſon or perſons whatſoever; as alſo all chantries, and all mannors, lands, tenements, rents, tithes,

A. D. 1665. Chap. 2.

penſions, portions, and other hereditaments, or other things whatſoever, belonging to any eccleſiaſtical perſon or perſons in his or their politick capacity, and that have formerly by them, or any of them been let in fee-farm, the right whereof, or title thereunto, or intereſt therein, was in any perſon or perſons, his or their heirs or aſſigns, who by the qualifications in the ſaid act expreſſed have not been adjudged innocent perſons; as alſo all leaſes that have been made by any eccleſiaſtical perſons of any lands, tenements, or hereditaments belonging to them in their politick capacity, to any perſon or perſons, their executors, adminiſtrators or aſſignes, who by the qualifications in the ſaid act expreſſed have not been adjudged innocent perſons; as alſo all impropriations, or appropriate tithes belonging to any perſon or perſons, his or their heirs, executors, adminiſtrators or aſſignes, who by the qualifications in the ſaid act expreſſed have not been adjudged innocent; and alſo all and ſingular the meſſuages, manors, lands, tenements and hereditaments whatſoever, whereof John Fitzgerald, *alias* Fitzgerald of Inniſhmore, commonly called the knight of Kerry, captain John Magill of the county of Down, Geoffry Fanning of Ballingary, or any of them, or any of their anceſtors whoſe heirs they are, or any other perſon or perſons in truſt for them, or any of them, or to their or any of their uſes, were ſeized or poſſeſſed upon the twenty ſecond day of October one thouſand ſix hundred forty one, notwithſtanding that the ſame were not ſeized, ſequeſtred, or ſet apart upon the account of the ſaid late rebellion or war, are and ſhall be, and are hereby declared, deemed and adjudged, as from the ſaid twenty third of October one thouſand ſix hundred and forty one, forfeited and to have been forfeited to your Majeſtie's royal father of ever bleſſed memory, and your Majeſty, your heirs and ſucceſſors; and they are hereby from the ſaid twenty third of October one thouſand ſix hundred and forty one, deemed, declared and adjudged to have been and to be in the real and actual poſſeſſion and ſeizin of your Majeſtie's ſaid royal father, and your Majeſty, your heirs and ſucceſſors, without any office or inquiſition thereof found, or to be found, freed and abſolutely diſcharged of and from all eſtates taile, and of and from all feoffments, and other conveyances made before the twenty third of October one thouſand ſix hundred and forty one, by any perſon or perſons being tenants in taile, where the intaile was not legally docked or barred by fine or recovery, before the twenty third of October one thouſand ſix hundred forty one, and of and from all titles and eſtates derived by, from, or under ſuch conveyances, and alſo of and from all and ſingular remainders, reverſions, rights, titles, intereſts, ſervices, chiefries, uſes, truſts, conditions, fees, rent-charges, and

And alſo the eſtate of John Fitzgerald knight of Kerry, and John Magil, and Geoffry Fanning.

free from all eſtates, T. not barred, conveyances, &c.

chattels real, mortgages, rights of redemption of mortgages, recognizances, judgments, extents, rights of action, rights of entry, ſtatutes, and all other eſtates, challenges and demands of what nature or kind ſoever, to the intent that the ſame may be ſettled, confirmed and diſpoſed of to and for ſuch uſe and uſes as in and by the ſaid former act were limited and declared, and are not by this preſent act changed or altered, and to and for ſuch other uſe and uſes as in and by this preſent act are declared or appointed, and not otherwiſe; ſaving to your Majeſtie, your heirs and ſucceſſors, all and ſingular ſuch eſtate, right, title and intereſt, of, in and unto any lands, tenements and hereditaments within this kingdom, which your Majeſty hath or ought to have in right of your crown in Ireland, other than by virtue of the aforeſaid act, or this preſent act, and otherwiſe than by one or more inquiſition or inquiſitions of lands in the province of Connaught or counties of Limerick and Clare, and the county of Tipperary, found and returned in the time of the earl of Strafford's government in this kingdom; which ſaid inquiſition and inquiſitions is and are hereby declared to have been from the time of the taking thereof abſolutely null and void, to all intents and purpoſes, as if the ſame had never been had nor taken; and other than ſuch right and title as in and by a certain act of Parliament paſſed in England, intituled, *An act of free and general pardon, indemnity and oblivion*, are mentioned or intended to be barred or extinguiſhed; any thing in this act contained to the contrary notwithſtanding.

to be ſettled and diſpoſed to the uſes of the former act not by this altered, and the uſes of this act.

Saving to the King all intereſts in right of his crown, other than by the ſaid or the preſent act, or by inquiſitions in lord Strafford's time, (which are declared void) or by the act of indemnity in England. 12 *C.* 2. 11.

II. Provided alwayes that this act, or any thing therein contained, ſhall not be deemed, conſtrued, or taken to forfeit unto or veſt in your Majeſtie, your heirs and ſucceſſors, any honours, mannors, caſtles, houſes, places, lands, tenements, hereditaments, or chattel real whatſoever, in all, every, or any of the counties, baronies, cities, towns corporate and walled towns in this kingdom, on the twenty third of October one thouſand ſix hundred forty one, belonging in poſſeſſion, reverſion or remainder unto the univerſity of Dublin, or to any archbiſhop, biſhop, dean, prebend, dean and chapiter, or other eccleſiaſtical perſon or perſons in his or in their politick capacity, or to any other colledge, hoſpital, church collegiate or parochial, or to the church-wardens and pariſhioners of any pariſh church for the uſe of the ſaid church, or to any guild, corporation or fraternity eccleſiaſtical or lay, or to any parſon, rector or vicar of any pariſh-church, or to any other perſon or perſons particularly named in the proviſo contained in the veſting clauſe of the ſaid former act, and whoſe eſtate was thereby expreſly ſaved and excepted from being veſted in your Majeſtie.

Not to veſt in the King lands, &c. of univerſity of Dublin, or of eccleſiaſtical perſons in politick capacity, or college, hoſpital, church-wardens, corporations, parſons, or of any perſons whoſe eſtates excepted out of former veſting clauſe.

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Nor prejudicial to rights of proteſtants, 22 Oct. 1641, except where in truſt for papiſts not innocent, &c.

III. Provided likewiſe that this act, or any thing therein contained, ſhall not veſt, nor be underſtood or conſtrued to veſt, in your Majeſty, your heirs or ſucceſſors, or otherwiſe be prejudicial unto, or take away any eſtate, right, title, intereſt, ſervice, chiefry, uſe, truſt, condition, fee, rent-charge, chattels real, mortgage, right of redemption of mortgage, recognizance, judgment, forfeiture, extent, right of action, right of entry, ſtatute, or any other eſtate, of what nature or kind ſoever, from any proteſtant or proteſtants, their proteſtant heirs, executors, adminiſtrators or aſſigns, whereof upon the twenty ſecond of October one thouſand ſix hundred forty one, they were reſpectively ſeized or poſſeſſed, or otherwiſe intereſted or intituled, or wherein they had any other eſtate, uſe, poſſeſſion, truſt, reverſion, or remainder, other than ſuch eſtate and intereſt whereof they, or any of them, ſtood ſeized or poſſeſſed for the uſe of, or intereſt for, any Iriſh papiſt or Roman catholick, who by the qualifications in the ſaid act hath not been adjudged innocent, or any other forfeiting perſon or perſons, nor to any judgment or decree which hath been obtained by any proteſtant or proteſtants in the late court, or pretended court, for adjudication of claims, or in the court of Exchequer, or any the four courts ſitting at Dublin, before the twenty ſecond of Auguſt one thouſand ſix hundred ſixty three, or for which any judgment or decree hath been confirmed, had, or made by the commiſſioners, heretofore appointed by his Majeſtie for the execution of his late gracious declaration and inſtructions, or the aforeſaid act; nor to the veſting any the lands, tenements, hereditaments or chattles real, right, title, ſervice, chiefry, uſe, truſt, condition, fee, rent-charge, chattle real, mortgage, right of redemption of mortgage, recognizance, judgment, forfeiture, extent, right of action, right of entry, ſtatute, or any other eſtate of what nature or kind ſoever of any papiſt, who by the commiſſioners appointed for the execution of the aforeſaid act hath been adjudged innocent, or the heirs, executors, adminiſtrators or aſſigns of any ſuch papiſt, who hath been ſo adjudged innocent; and it is hereby declared, that no perſon or perſons, who by the qualifications in the ſaid former act hath not been adjudged innocent, ſhall at any time hereafter be reputed innocent, ſo as to claim any lands or tenements hereby veſted, or be admitted to have any benefit or allowance of any future adjudications of innocence, or any benefit of articles whatſoever, but that they and every of them, and all and every perſon and perſons claiming by, from or under them, or any of them, ſhall be and are hereby barred and excluded of and from all and ſingular claims and demands not particularly allowed and provided for in and by this preſent act.

Nor to judgments or decrees by proteſtants before 22d of Aug. 1663, or confirmed or made by the commiſſioners.

Not to veſt any eſtate, &c. of papiſts by ſaid commiſſioners adjudged innocent.

Perſons, by qualifications in former act not innocent, ſhall not hereafter be reputed innocent.

IV. And

Doubt whether officers and ſoldiers ſhould be confirmed in lands unleſs formerly and 30th Nov. 1660 they were of the army.

Explained by taking (and) diſjunctively.

IV. And whereas ſome queſtion or doubt hath ariſen, whether the lands of any officers or ſouldiers were to be confirmed to them by the ſaid act, unleſs they had been formerly and were of the army at the time of the making your Majeſtie's declaration of the thirtieth of November one thouſand ſix hundred and ſixty: be it declared, enacted and explained by the authority aforeſaid, That the word [and] uſed in that part of the ſaid act which relates to them, ſhall be taken diſjunctively, as if it had been [or] ſo that no ſuch officer or ſouldier, his heirs or aſſigns, ſhall be excluded the benefit of the ſaid act, or this preſent act, if he had been formerly of the army, and in poſſeſſion as aforeſaid the ſeventh of May one thouſand ſix hundred fifty nine, though he were not of the army the thirtieth of November one thouſand ſix hundred and ſixty, or at any time ſince.

Proteſtants firſt provided for.

Adventurers and ſoldiers poſſeſſed of lands, &c. 7th May 1659. for adventurers or arrears, and deficient adventurers, ſhall be confirmed in two full thirds.

V. And to the end that the perſons, eſtates and intereſts of his Majeſtie's proteſtant ſubjects, of whom his Majeſtie ever had and ſtill hath greateſt care and conſideration in the ſettlement of this his kingdom, may be firſt provided for: be it further enacted by the authority aforeſaid, That all and every the adventurers and ſouldiers, their and every of their heirs, executors, adminiſtrators and aſſigns, reſpectively, who upon the ſeventh of May one thouſand ſix hundred and fifty nine, were ſeized or poſſeſſed of any meſſuages, mannors, lands, tenements or hereditaments, for or towards the ſatisfaction of any adventures or arrears, which by the rules of this or the ſaid former act are allowed to be ſatisfied, and all and every other the adventurers commonly called deficient adventurers, whether they be deficient in whole or in part (that is to ſay) ſuch adventurers who never had any lands ſet out to them in ſatisfaction of their adventures, or were never fully ſatisfied for the ſame, and the heirs, executors, adminiſtrators and aſſigns of ſuch adventurers reſpectively, ſhall have, hold and enjoy, and be ſettled and confirmed in ſo much of the forfeited lands, which by this act are veſted in his Majeſtie, as will amount to two full third parts of what they, or thoſe under whom they claim, had, or in caſes of deficiency ought to have had upon the ſeventh of May one thouſand ſix hundred and fifty nine, in manner following, (that is to ſay) the commiſſioners for execution of this act ſhall diligently examine and compute, or cauſe to be computed, what quantity of land any ſuch adventurer or ſouldier, or the heirs, executors, adminiſtrators or aſſigns of ſuch adventurer or ſouldier reſpectively had, or were ſeized or poſſeſſed of on the ſeventh of May one thouſand ſix hundred and fifty nine, or of right ought to have had and been ſeized and poſſeſſed of

The commiſſioners ſhall examine, compute, and ſet out the ſame.

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upon the ſeventh of May one thouſand ſix hundred and fifty nine, in caſe he were a deficient adventurer, or the heir, executor, adminiſtrator or aſſignee, of any deficient adventurer, and ſhall ſet out and allott, or cauſe to be ſet out and allotted unto every ſuch adventurer and ſouldier, his and their reſpective heirs, executors, adminiſtrators and aſſigns, ſo much forfeited land as in quantity of Iriſh profitable acres, to be computed by Iriſh meaſure according to the Down ſurvey or Down admeaſurement, and not otherwiſe, where the Down ſurvey hath been taken, and where the Down ſurvey hath not been taken, by the ſurvey taken in the earl of Strafford's time, or by ſome other ſurvey to be taken according to Iriſh meaſure, wherein the unprofitable land is to be caſt in together with the profitable, (according to the method of the ſaid Down ſurvey) will amount unto full two third parts (the whole in three parts being divided) of what ſuch perſon or perſons to whom ſuch allotment ſhall be made as aforeſaid, or thoſe under whom they claim, did hold and enjoy, or in caſes of deficiency of right ought to have held and enjoyed, upon the ſeventh of May one thouſand ſix hundred fifty nine; which ſaid two third parts, ſo as aforeſaid to be allotted, ſhall be held and enjoyed by the perſons to whom ſuch allotment ſhall be made, according to the tenor of their ſeveral and reſpective letters patents herein after directed to be granted, and in full ſatisfaction of any right, claim, or demand which by virtue of the ſaid former act can or may accrew for or in reſpect of any adventures or arrears; any retrenchment of a third part by this act or other matter or thing in the ſaid former act contained to the contrary notwithſtanding.

To be computed by Iriſh meaſure, according to Down ſurvey, where taken,

where not, by Strafford ſurvey, &c.

unprofitable caſt in with profitable.

Said two thirds to be enjoyed according to letters patent hereafter, in ſatisfaction of any claim by former act.

Adventurers, ſoldiers, officers, ſerving before 1649, proteſtant purchaſers in Connaught or Clare, before 1663 removed from lands reſtorable, two thirds of other lands ſhall be firſt ſet out.

VI. And in caſe any adventurer or ſouldier, commiſſioned officer, who ſerved before the fifth of June one thouſand ſix hundred forty nine, proteſtant purchaſer in Connaught or Clare, before the firſt of September one thouſand ſix hundred ſixty and three, his or their heirs, executors or aſſigns, ſhall be found to be in poſſeſſion of any meſſuages, lands, tenements or hereditaments, which by virtue of any clauſe herein after following ought to be reſtored and delivered up to any perſon or perſons herein after named, the commiſſioners for execution of this act, ſhall in the firſt place, and before any ſuch reſtitution made, cauſe ſo much other forfeited or veſted land to be ſet out as in quantitie of acres will amount to full two third parts of the land ſo as aforeſaid to be reſtored, and that the perſons ſo to be removed be duly poſſeſſed of and ſettled in his ſaid two third parts according to the rules of this act; and the commiſſioners for execution of this act are hereby required and enjoined to take care that the eſtates and intereſts of his Majeſtie's proteſtant ſubjects in Ireland be ſettled with all convenient ſpeed, and that ſuch parts of this act, as have a tendency thereunto, be put in execution

Commiſſioners to ſettle proteſtants with convenient ſpeed and in firſt place.

execution in the first place, and before any other parts of this or the former act which relate to other matters.

That as little alteration in possessions may be as consistent with this act, and persons improvements preserved to them.

VII. And to the end there may be as little change and alteration of possessions as can consist with the ends and aimes of this present act, and that every persons improvements may be preserved unto him as much as is possible, be it further enacted by the authority aforesaid, That where any adventurer or souldier, or the heir, executor, assignee or assignes of any adventurer or souldier shall be found to have in his or their possession more lands undecreed away, than his or their full two third parts will amount to, according to the aforesaid rules of distribution and allotment, that in every such case it shall and may be lawful for him or them to continue possession of so much as the commissioners shall adjudge his or their two full third parts to amount unto, and to cut off the overplus at his or their own election, in such manner as that the overplus relinquished or surrendred by him or them may be contiguous and as near as may be within the same denomination; in which retrenchment the unprofitable lands as well as profitable are to be reckoned and parted with together in like manner and proportion as the same were set out together, according to the said surveys; and in default of due retrenchment, and cutting off the overplus in such manner as the commissioners shall approve, and within such time as the commissioners shall direct, the commissioners shall cause the overplus to be set out, and ascertain the residue, whereof possession is to be retained in such manner as they shall think fit, observing therein rules of contiguity and conveniency as much as may be, and reserving to him or them his or their house and the improvement about it; and the like rule is to be observed in the retrenchment to be made of the overplus of such lands which have been set out in satisfaction of any adventurers, upon the ordinances commonly called the doubling ordinances, and in the retrenchment which is to be made from the protestant purchasers in Connaught and Clare; and where any adventurer or souldier, or the heir, executor, administrator, assignee or assignes of any adventurer or souldier, shall be found to be possessed of less land than his or their full two third parts will amount unto according to the rules of this act, that then and in such case, it shall and may be lawful for him or them to continue and retain the possession of what he or they have, and that the residue of what is wanting to make up his or their full two third parts as aforesaid, be forthwith set out and made up out of some other forfeited land, to be allotted, set out and ascertained by the commissioners as aforesaid, and as near as may be with convenience to the lands in his or their present possession; any thing in the former act contained to the contrary notwithstanding.

Adventurers or souldiers in possession of more than two thirds may cut off overplus at their election, so that the overplus may be contiguous;

in which retrenchment, unprofitable and profitable parted with together; as set out together, according to said surveys.

In default of due retrenchment, commissioners to do it, observing contiguity and convenience, and reserving to them their houses and improvements.

Like rule in retrenchments upon the doubling ordinances, and from protestant purchasers in Connaught or Clare,

Where in possession of less than two thirds, residue to be made up as near as may be.

VIII. And be it further enacted by the authority aforesaid, That all and every the adventurers and souldiers, their heirs, executors,

To retain lands in their possession, or

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ſo much as amount to two thirds, notwithſtanding miſtake or miſnomer.

aſſignee or aſſignes, who upon the ſeventh day of May one thouſand ſix hundred fifty and nine, were or ought to have been poſſeſſed of any lands, tenements or hereditaments ſet out for ſatisfaction of any adventures, or arrears not ſince decreed away by ſuch decrees as are herein confirmed, ſhall and may retain the lands in his or their poſſeſſion, or ſo much thereof as by the commiſſioners for execution of this act ſhall be adjudged to amount to his or their full two third parts; any miſtake or miſnomer of the county or barony, wherein the lands ſet out for adventures or arrears and ſo poſſeſt do lie, to the contrary notwithſtanding.

Thoſe removed from duke of Ormond's eſtate, or from lands in obedience to the King's letters, and ſince reprieſed, may retain two thirds, as if poſſeſſed 7 May, 1659.

IX. And it is likewiſe declared, That the adventurers and ſouldiers, their heirs, executors and aſſigns, who have voluntarily relinquiſhed or been removed from the eſtate of James duke of Ormond, and put into poſſeſſion of any other lands in the county of Catherlagh, not ſince decreed away from them, and all others who have relinquiſhed any lands, whereof they were poſſeſt the ſeventh day of May one thouſand ſix hundred fifty and nine, in obedience to his Majeſties letters, and have ſince been removed to other lands not decreed away from them, ſhall have like liberty of retaining the lands whereof they are now poſſeſt, or ſo much thereof as ſhall be adjudged to amount to his or their full two third parts, as he or they might have had if they had been ſo poſſeſſed upon the ſeventh day of May one thouſand ſix hundred fifty and nine, and what is wanting of two third parts ſhall be made up and ſupplied by the commiſſioners out of ſome other forfeited lands by them to be allotted.

Deficiencies to be ſupplied out of other lands.

Deficient adventurers, &c. to be ſatisfied in ſame barony and county, or the neareſt in value, if convenient.

X. And be it further enacted by the authority aforeſaid, That all and every the deficient adventurers, and the heirs, executors, aſſignee or aſſignes of ſuch deficient adventurers, who are to be ſatisfied for two full third parts of ſuch their deficiencies, in quantity of acres to be ſet out and allotted as aforeſaid, and all and every other the adventurers, ſouldiers, proteſtant purchaſers in Connaught and Clare, their heirs, executors, adminiſtrators and aſſigns reſpectively, to whom any lands, tenements or hereditaments are by the rules of this act to be ſet out and allotted for the ſupply and making up of his and their full two third parts, ſhall be ſatisfied in the ſame barony and county, or in the next barony and county neareſt in value to their reſpective deficiencies and allotments, if the ſame can conveniently be done: and in order hereunto, the lord lieutenant, or other chief governour and governours and council for the time being, are hereby enjoyned to ſettle and declare the ſeveral degrees of values of the reſpective counties and baronies, which declaration ſhall be a rule and guide to the commiſſioners in execution of any part of this act, where the conſiderations of values ſhall be neceſſary or material; and where any adventurer, his heirs, executors, aſſignee or aſſignes ſhall be found to be deficient in part,

Chief governors and council to declare the ſeveral degrees of value, which to be a guide to the commiſſioners.

and

and yet to have more lands in one particular barony or county than his or their lot in that particular barony or county would have amounted to, it shall and may be lawful to and for him or them, to retain and keep in his or their own possession so much of the overplus whereof he or they shall be possessed in one barony or county, as shall be judged equal by the commissioners, for and towards the satisfaction of his and their deficiency in any other barony or county, so always that the whole which he or they shall so retain exceed not the due proportion of full two third parts which he or they ought to have, according to the rules aforesaid: and where any adventurer or souldier, or the heirs, executors, administrators or assigns of any adventurer or souldier, shall be found to have more lands in his or their possession than will satisfie the two third parts which he or they ought to have by the rules of this act, and yet shall have no deficiencies of their own to place upon such overplus, that there and in such cases it shall and may be lawful to and for such adventurer and souldier, his and their heirs, executors, administrators or assigns, to buy in and purchase of any other adventurer or souldier, or the heir, executor, administrator or assignee of any adventurer or souldier, his or their right and title in and to the satisfaction of any deficiencies within the same province, which are satisfiable by the rules of this act, and to be satisfied for the right and title so bought and purchased as aforesaid, by retaining the overplus land whereof he or they were seized, or so much thereof as shall not exceed the due proportion of two full third parts, which ought to be applied to the satisfaction of such deficiencies.

Adventurers may retain possession of overplus in one barony or county, to make good deficiency in another; so as the whole exceed not two thirds.

Adventurers or soldiers having more than two thirds, and no deficiencies of their own to place thereon, may purchase right of others to satisfaction of deficiencies in same province.

XI. And be it further enacted by the authority aforesaid, That where any adventurers or souldiers, commissioned officers, who served before the fifth of June one thousand six hundred forty nine, protestant purchaser in Connaught or Clare, before the first of September one thousand six hundred sixty and three, his or their heirs, executors, assignee or assignes, who are not by the rules of this act to be removed, have been already removed or kept out from the possession of what they held, or ought to have held on the seventh of May one thousand six hundred fifty and nine, yet neither by virtue of any decrees made by the commissioners for execution of the said former act, nor by virtue of any proviso or clause in the said act contained, or any other legal proceedings, in which words legal proceedings, custodiams or any other grant or patent not confirmed or otherwise provided for by this act, and the proceedings thereupon, are not intended to be comprehended, that then it shall and may be lawful to and for the commissioners for execution of this act to order and decree all and every such person and persons, so removed or kept out as aforesaid, to be again restored and put into their possessions *pro tempore*, until the last and final decree touching the settlement of such person and persons shall be made,

Adventurers, &c. not removeable, who yet have been removed or kept out of possession (not by legal proceedings) shall be restored *pro tempore*, till final settlement of two thirds.

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made; and the reſpective ſheriffs, and all other officers and miniſters of juſtice whom it may concern, and to whom any precept or other warrant in that behalf ſhall be directed, are hereby required and enjoyned to ſee the ſame executed accordingly, to the end that all and every perſon and perſons, ſo as aforeſaid removed or kept out, may by ſuch temporary reſtitution be enabled to retain ſo much of the land whereof they ſhall be ſo poſſeſſed, together with their improvements, as their two full third parts, according to the aforeſaid rules, ſhall or may amount unto.

Sheriffs, &c. to ſee the ſame executed.

XII. And be it further enacted by the authority aforeſaid, That all and every the adventurer and adventurers, who adventured their money upon certain ordinances or pretended ordinances of parliament, made in the years one thouſand ſix hundred forty three and one thouſand ſix hundred forty ſeven, commonly called the doubling ordinances, ſhall be eſteemed, and are hereby declared, adventurers for no more than the principal money, *bona fide* paid, amounts to, and that they, their heirs, executors, aſſignee or aſſignes ſhall receive ſatisfaction for the moneys really and *bona fide* paid in and advanced upon the ſaid ordinances, or pretended ordinances, in like proportion and manner as other adventurers are to have by this act, and no otherwiſe; that is to ſay, by an allotment of ſo much land as may be ſufficient to ſatisfie full two third parts of the principal money ſo paid in and advanced as aforeſaid, and no more, to the intent that he and they may be equally gainers or looſers with other adventurers; and in the ſetting out of this proportionable ſatisfaction, no regard is to be had of the quantity of land whereof the adventurers upon the doubling ordinances, their heirs, executors, aſſignee or aſſignes were poſſeſſed the ſeventh of May one thouſand ſix hundred fifty nine, but onely of the original money truely paid in as aforeſaid, in the ſatisfaction whereof, one third part is likewiſe to be retrenched, and onely two full third parts to be ſatisfied as aforeſaid; nevertheleſs, it ſhall and may be lawful for him or them to continue the poſſeſſion of ſo much as the commiſſioners ſhall adjudge to amount unto his or their full two third parts, in like manner as other adventurers by this act are enabled to do, in caſe ſo much ſhall be left in his or their poſſeſſion, not decreed away by the commiſſioners for execution of the ſaid former act.

Adventurers upon doubling ordinances in 1643 and 1647, declared adventurers for no more than the principal *bona fide* paid, and to be ſatisfied as others,

by allotment of two thirds.

No regard had to quantity of land poſſeſſed by them 7th of May 1659,

but they may continue poſſeſſion of two thirds as others, if ſo much left not decreed away.

XIII. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall cauſe one or more books to be made, wherein the portion allotted to each adventurer, or ſouldier, or the heir, executor, aſſignee or aſſignes of ſuch adventurer or ſouldier, for and towards his and their two full third parts, and the ſeveral augmentations of any archbiſhoprick or biſhoprick, the allotment of glebes, and the proviſions made for the colledge of Dublin, the maintenance of the fort at Duncannon, and the corpo-

Commiſſioners to make books, of the two thirds, augmentation of biſhopricks, allotment of glebes, &c.

ration of Bandonbridge, ſhall be particularly and fairly ſet down, and entred; and ſhall cauſe a duplicate thereof to be made and returned into the exchequer, there to remaine of record; and that upon a certificate under the hands and ſeals of the commiſſioners, or the major part of them, containing the lands allotted to any the perſons or purpoſes aforeſaid, or to any adventurer or ſouldier, or to the heir, executor, aſſignee or aſſignes of any adventurer or ſouldier, for his or their two third parts, and expreſſing the name or names of ſuch perſons, with convenient deſcriptions and denominations thereof, as to the number of acres, the barony, county and province wherein the ſame do lie, and the rents reſervable, as alſo the tenure and ſervices, and preſented unto the lord lieutenant or other chief governour or governours of this kingdom for the time being, he the ſaid lord lieutenant, and other chief governour or governours of this kingdom for the time being, ſhall be and are hereby authorized and required, upon requeſt of the perſon or perſons ſo producing and preſenting the certificate aforeſaid, to cauſe effectual letters patents under the great ſeal of Ireland to be paſſed in the uſual manner of ſuch lands, tenements and hereditaments, to the perſons concerned, by advice of his Majeſtie's learned council in the law, or ſome of them, as the caſe ſhall require, without expecting any further letters or warrants from his Majeſtie; and for ſo doing, this preſent act ſhall be to them and every of them their ſufficient diſcharge.

return duplicate into exchequer.

Upon certificates from commiſſioners with particular deſcriptions preſented to chief governors, letters patents ſhall paſs without further warrant.

XIV. And be it further enacted by the authority aforeſaid, That all letters patents granted by virtue of this act ſhall be and are hereby confirmed unto the ſeveral perſons therein named, according to the ſeveral and reſpective eſtates therein granted, againſt the King's Majeſtie, his heirs and ſucceſſors, and all other perſons claiming by, from, or under him or them, and ſhall ſtand and be diſcharged of and from all forfeitures or pretended forfeitures for non-payment of rent, or any ſum of money now due, or not putting in of claims, or not bringing in field-books or ſurveys, and of and from all further inquiries into falſe admeaſurements, holding of lands profitable for unprofitable, or any other qualifications whatſoever, and of and from all meaſn profits, arrearages and incumbrances, not herein after excepted, and ſhall ſtand and be good againſt all perſons, bodies politick and corporate, and diſcharged of all eſtates taile, and all other eſtates of freehold or inheritance, and all reverſions, remainders, titles and intereſts whatſoever, not decreed by the commiſſioners for execution of the ſaid former act, or in the ſaid former act already allowed, whereby the patentees can or may be incumbred, and diſcharged of all demands, other than what are intended to be preſerved by this act, and ſhall be reſerved in the ſame letters patents.

Confirmation of the letters patents diſcharged of all forfeitures, incumbrances, &c. not already decreed or allowed, or intended to be reſerved.

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XV. Nevertheleſs, it is hereby declared to be excepted, and is further enacted, That no letters patents hereafter to be granted ſhall any way extend to diſcharge or acquit any arrearages of quit-rents reſerved by the ſaid former act, and ſtill behind and unpaid; nor to acquit that part and proportion of the three hundred thouſand pounds herein after mentioned, and intended to be raiſed, and which by the rules of this act will be payable by ſuch patentee, and leviable upon the lands in the ſaid letters patents contained; nor any meaſn profits, which have been received of lands ſet out for Engliſh arrears, or in ſatisfaction of any adventures upon the doubling ordinances, above what the original money did deſerve, or in ſatisfaction of any other titles or intereſts not ſatisfiable by this or the ſaid former act; nor to diſcharge any ſum or ſums of money, which perſons tranſplanted into Connaught received upon ſale of their eſtates in Connaught, and yet have ſince been reſtored to their former eſtates, or ſome part thereof, by virtue of ſome clauſe in the ſaid former act contained, or ſome decree or other proceedings had upon the ſaid act, or ſhall be ſo reſtored by virtue of any clauſe contained in theſe preſents; all which arrearages of quit-rents, meaſn profits, or other ſums of money as aforeſaid, ſhall be and are hereby made due and payable unto his Majeſty, his heirs and ſucceſſors, and ſhall be leviable and recoverable againſt every perſon and perſons who ſhall be liable thereunto, his and their heirs, executors and adminiſtrators, and all and every their lands, tenements, goods and chattels whatſoever; any grant, patent, ſettlement, or other diſpoſition made in purſuance of this act to the contrary notwithſtanding.

but not diſcharged from arrears of quit rent,

nor from proportion of 3000001. intended to be raiſed,

nor meſne profits received of lands ſet out in ſatisfaction of intereſts by theſe acts not ſatisfiable,

nor money received on ſale of eſtates in Connaught, by perſons tranſplanted and ſince reſtored,

XVI. And for the prevention of all unneceſſary delays and unjuſt charges, which can or may happen to the ſubjects of this realm before their full and final ſettlement, be it further enacted by the authority aforeſaid, That where the commiſſioners for execution of this act, or the major part of them, ſhall give any certificate under his and their hands and ſeals to any perſon or perſons, bodies politick or corporate, in order to the paſſing of any letters patents according to this act, and ſhall likewiſe return a duplicate of ſuch certificate into his Majeſtie's court of exchequer at Dublin, to be there inrolled, and the perſon or perſons, body politick or corporate, to whom ſuch certificate ſhall be given, ſhall immediately upon the obtaining of ſuch certificate, and from time to time during the ſpace of ſix months next enſuing the date thereof, diligently and without intermiſſion purſue and proſecute the having and obtaining of letters patents accordingly, and in order thereunto ſhall pay or tender to ſuch perſon or perſons, to whom they ſhall apply themſelves for their aſſiſtance towards the paſſing of ſuch letters patents, their ſeveral and reſpective fees to them due and payable, and ſhall not obtain ſuch expedition and diſpatch, that their

To prevent unneceſſary delays and unjuſt charges, letters patents ſhall paſs in ſix months after certificate of commiſſioners.

if delayed by officers, whoſe fees paid or tendered, patentees ſhall hold as if, &c.

ſeveral

ſeveral and reſpective letters patents may be full perfected and paſſed under the great ſeal of Ireland, within the ſpace of ſix months next after the date of ſuch certificate, but ſhall be thereof delayed or hindred by the neglect of any officers or miniſters as aforeſaid, that there and in ſuch caſe the ſeveral and reſpective perſons, bodies politick and corporate, to whom or in whoſe behalf ſuch certificate ſhall be given or granted, ſhall hold and enjoy the ſeveral meſſuages, manors, lands, tenements and hereditaments in the ſeveral and reſpective certificates mentioned and allotted, according to ſuch eſtate, and under ſuch rents as are therein mentioned, as fully and amply to all intents and purpoſes, as if letters patents thereof had been granted and perfected according to the directions of this act; any thing in this or the ſaid former act, and any other law, ſtatute, or uſage to the contrary notwithſtanding.

Where lands ſet out promiſcuouſly for Engliſh arrears, or adventures on doubling ordinances, or other intereſts not provided for by this act, together with other adventures, and the whole or part evicted or decreed away,

XVII. Provided always, and be it enacted, That where any ſouldier or ſouldiers, adventurer or adventurers, his or their heirs, executors, aſſignee or aſſignes, have had any lands, tenements or hereditaments formerly ſet out to him or them, as well in ſatisfaction of arrears due for ſervice done in England, as of arrears due for ſervice done in Ireland, or in ſatisfaction of adventures upon the doubling ordinances, or in ſatisfaction of any other titles and intereſts not provided for by this act, together with other adventurers, and ſuch ſetting forth of lands hath been promiſcuouſly and indefinitely as in the groſs, without any particular application or diſtinction of the lands, ſhewing which part of the ſaid lands was intended as a ſatisfaction of the Engliſh arrears, and which part as a ſatisfaction of the Iriſh arrears, or which part was ſet out in ſatisfaction of adventures upon the doubling ordinances, or of other titles or intereſts not provided for by this act, and which part for other adventures, and the whole or part of the ſaid lands ſo promiſcuouſly ſet out as aforeſaid hath been evicted or decreed away by virtue of ſome proceedings of the commiſſioners appointed for execution of the ſaid former act, that then and in ſuch caſe the land, ſo evicted or decreed as aforeſaid, ſhall be accounted in law to be ſuch lands onely as were intended for the ſatisfaction of Engliſh arrears or adventures upon the doubling ordinances, or of other titles and intereſts not provided for by this act, ſo far as the ſame will extend, and all accompts and paiments of the meaſn profits of the lands ſo evicted are to ceaſe, for ſo much, from the time of ſuch eviction or decree as aforeſaid; nevertheleſs it is declared, that nothing herein contained ſhall exclude ſuch perſon or perſons from having their full two third parts, which are ſatisfiable by the rules of this act, and from retaining ſo much, whereof they remain poſſeſſed, for and towards ſuch ſatisfaction.

the lands ſo evicted accounted ſuch as intended for ſatisfaction of intereſts not provided for by this act, and accounts of meſne profits to ceaſe for ſo much,

not to exclude from full two thirds, *&c.*

XVIII. And to the end the ſubjects of this kingdom may be in ſome meaſure eaſed of thoſe charges which are uſual and ordi-

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nary in paſſing of letters patents; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for ſo many of his Majeſtie's ſubjects as ſhall deſire the ſame, to be joyned in one and the ſame letters patents, the due cautions before mentioned being therein obſerved, ſo as the lands thereby granted in caſe of ſuch being joyned, exceed not the quantity of fifteen thouſand acres Engliſh meaſure in one patent; nevertheleſs it ſhall and may be lawful to and for the lord lieutenant, or other chief governour or governours of Ireland and council there for the time being, in theſe and all other caſes touching patents to be granted by virtue of this act, to regulate and moderate the fees of officers as they ſhall think fit, according to circumſtances.

Several perſons may join in ſame letters patents, ſo as not above 15000 acres Engliſh in one patent.

Chief governors and council may regulate fees.

XIX. And be it further enacted by the authority aforeſaid, That where any lands ſhall be allotted unto or detained by any adventurer or ſouldier, or the heir, executor, aſſignee or aſſignes of any adventurer or ſouldier, for and towards his and their full two third parts, or for any part thereof, which lands ſo allotted or detained as aforeſaid ſhall be ſubject to any eſtate, remainder or other incumbrance already decreed by the commiſſioners for execution of the ſaid former act, or allowed by the rules of the ſaid former or this act, that then and in ſuch caſe, the commiſſioners for execution of this preſent act ſhall allot ſo much other forfeited land, as may fully ſatisfie for ſuch incumbrance, and cauſe the ſame to be entred in books returned into the exchequer, to the end that upon certificates made in manner aforeſaid, letters patents may be thereof granted and paſſed as aforeſaid; and therefore the commiſſioners are with all ſpeed to caſt up the value of ſuch incumbrances, as by reaſon of any former decree ſhall charge any part of the ſaid two third parts, that ſo a recompence may be provided as aforeſaid; and in the eſtimate and valuation of ſuch incumbrances, for which a recompence is to be provided, the commiſſioners are to proceed by ſuch rules and meaſures as by the inſtructions, in the ſaid former act contained, were given for the valuation and eſtimate of ſuch incumbrances on the lands of adventurers and ſouldiers, as were therein appointed to be ſatisfied out of the forfeited lands in the county of Kildare, as near as may be, and as far as may ſtand with equity and juſtice.

Where incumbrances by former decree charged on the two thirds, the commiſſioners to caſt up the value, that a recompence may be out of other forfeitures;

and therein proceed by ſuch rules as in the former act for eſtimate of incumbrances to be ſatisfied out of Kildare.

XX. And it is further declared and enacted, That where any ſecurities for money have been allowed by the decrees of the commiſſioners for execution of the ſaid former act, wherewith any land ſet out and allotted, or to be ſet out and allotted, to any adventurer or ſouldier, his or their heirs or aſſigns, ſhall or may be incumbred, that all intereſt thereupon, due before the twenty ninth of May one thouſand ſix hundred ſixty, ſhall be and is hereby diſcharged; nevertheleſs the intereſt already received ſhall not be repaid; and from and after the twenty ninth of May one thouſand ſix hun-

Upon incumbrances allowed by decrees, intereſt before 29 May, 1660, diſcharged:

but intereſt already received not repaid.

dred ſixty, unto the times of the ſeveral and reſpective decrees, no further or greater intereſt ſhall be ſatisfied or paid for any the moneys due upon the ſaid ſecurity, than after the rate of forty ſhillings *per cent.* for one year; and from and after the time of the reſpective decrees, full intereſt ſhall be ſatisfied and paid; and further, that lands ſhall be ſet out in full ſatisfaction of what ſhall remain due, after ſuch abatement made as aforeſaid, according to the rate of eight years purchaſe, to ſuch perſon or perſons as ſhall be prejudiced by ſuch incumbrances, by having his land liable thereunto, or by his purchaſing and buying in of the ſame.

From 29 May, 1660, to the times of decrees, 40*s.* *per cent.* intereſt: after that, full intereſt.

Lands at eight years purchaſe to be ſet out to thoſe prejudiced by ſuch incumbrances.

XXI. And that no part of the land ſo allotted or detained as aforeſaid may be ſubject to, or charged with, any other incumbrance, not decreed by the commiſſioners for execution of the ſaid former act, or already allowed in the ſaid former act or this act, be it enacted, That all and every ſuch incumbrances as againſt the adventurer or ſouldier ſo ſettled as aforeſaid, other than ſuch incumbrances as are the proper act of the party ſo to be ſettled, or thoſe under whom he claims, be utterly voyd and of none effect.

Other incumbrances void.

XXII. And to the end that no perſon or perſons, who upon the ſeventh of May one thouſand ſix hundred fifty nine was in poſſeſſion of any lands, tenements or hereditaments, as an adventurer or ſouldier, or as the heir, executor or aſſignee of ſuch adventurer or ſouldier, may hereafter be moleſted or impeached in the making out of his or their title in or to the lands ſo poſſeſſed, or debarred of ſuch ſatisfaction, and other the benefits and advantages, which by this act is given to them who were ſo poſſeſſed as aforeſaid, for want of producing ſuch meaſn conveyances, or ſuch legal and formal aſſignments, as in ſtrictneſs of law might otherwiſe be required, be it enacted by the authority aforeſaid, That where any perſon or perſons, or thoſe under whom he or they claim, were in poſſeſſion of any lands or tenements upon the ſeventh of May one thouſand ſix hundred fifty nine, which were ſet out or reputed to be held and enjoyed, for and towards the ſatisfaction of any adventures or arrears, that there and in ſuch caſes no proof of the meaſn conveyances or other aſſignments ſhall be required, but the poſſeſſion it ſelf ſhall be, and ſo is hereby declared, a ſufficient evidence of the title, unleſs the ſame lands have been likewiſe claimed by ſome other adventurer or ſouldier, his or their heirs, executors, adminiſtrators or aſſigns reſpectively; in which caſe the commiſſioners for execution of this act ſhall, upon ſuch evidence as can be produced before them, determine the title.

Poſſeſſion 7 May, 1659, ſufficient evidence of title, without proof of meſne conveyances or aſſignments.

Unleſs a claim by other adventurer or ſoldier,

which ſhall be determined by the commiſſioners.

XXIII. And becauſe there are ſeveral perſons who pretend themſelves able to diſcover much land which is detained and concealed by the adventurers and ſouldiers, their heirs or aſſigns, by falſe admeaſurement, although it be probable that after ſo long a tract of time ſuch diſcoveries may not produce any great effect; never-

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theleſs, for the avoiding the ſcandal of ſuch frauds, and to give juſt ſatisfaction to all perſons and intereſts, who may pretend themſelves to be prejudiced by ſuch concealments, be it enacted by the authority aforeſaid, That the lord lieutenant, or other chief governor and governors of Ireland and council there for the time being, ſhall have power, upon information to them made of any ſuch concealments by falſe admeaſurement as aforeſaid, to cauſe a new ſurvey to be made of the parcels and lots wherein ſuch falſe admeaſurement is pretended, and obſerving therein theſe rules and cautions following:

Chief governors and council, upon information of concealments by falſe admeaſurement, may cauſe new ſurvey.

1. That ſuch information be given in within the ſpace of three months next after the paſſing of this act.

Provided information be in three months.

2. That the defendant or defendants, againſt whom ſuch information is given, be firſt heard, before any new ſurvey be ordered.

Defendants firſt heard.

3. That the informer or informers do firſt put in ſecurity by recognizance acknowledged before the lord chief juſtice of the common pleas for the time being, and with good and ſufficient ſureties to be by him allowed, to bear the whole charges of the new ſurvey, and over and above to pay and ſatisfie unto the defendant or defendants his and their full damages and coſts which they ſhall ſuſtaine by ſuch proſecution, and ſhall offer to make oath of before the ſaid lord chief juſtice, in caſe that upon the return of ſuch ſurvey it ſhall not appear that the defendant or defendants, againſt whom ſuch new ſurvey is ordered, were poſſeſt of more land by a full tenth part than he or they ought to have.

Informer to give ſecurity to anſwer charges, damages, and coſts, if defendant not poſſeſſed of more by a tenth part than he ought.

4. Where any new ſurvey is ordered, the ſame ſhall be taken by two ſurveyors to be choſen for that purpoſe, one by the informer, the other by the defendants, and both ſurveyors ſhall be ſworn.

Informer to chuſe one ſurveyor, defendant another, both ſworn.

5. Where the books of diſtribution and the Down ſurvey agree in the ſatisfactions, which have been allotted to any regiments, troops, ſocieties or perſons, or do not differ more than in one tenth, there no reſurvey ſhall be ordered, notwithſtanding ſuch information.

Where books of diſtribution and Down ſurvey differ not more than one tenth, no re-ſurvey ſhall be.

6. What overplus ſoever ſhall appear upon the new ſurvey, if the ſame exceed not one tenth part of what is due to the defendant or defendants, no retrenchment ſhall be made.

No retrenchment where overplus exceeds not one tenth,

7. If the overplus exceed a tenth, it ſhall be lawful to and for ſuch defendant or defendants poſſeſſed of the overplus, to retrench the ſame where they think fit, ſo as ſuch retrenchments be contiguous, and of unprofitable land together with the profitable, but is hereby diſcharged of all accompts for the meaſn profits of the lands ſo retrenched.

if it does, defendant may retrench ſo as contiguous of profitable and unprofitable, diſcharged of accounts for meſne profits.

8. If the information of falſe admeaſurement be againſt a ſouldier, or his heirs or aſſignes, there the lot of the whole regiment, troop or company, ſhall be firſt ſurveyed, and if the ſame exceed not one tenth part of what ſuch regiment, troop or company ought

No ſurvey to be of any lot of a ſoldier, where the lot of the whole regiment exceeds not one tenth.

to have, then no ſurvey ſhall be taken of any individual lot or proportion.

9. Where the lot of the regiment, troop, or company, ſhall exceed one tenth part of what they ought to have, there the individual parcel to be admeaſured, if there be cauſe of retrenchment, may retrench where he thinks fit, ſo as ſuch retrenchment be contiguous.

Overplus in a bad county not to be conſidered as ſuch as liable to retrenchment, but with reſpect to the mutual agreement made in the general lot of the regiment.

10. Whereas ſome lots for ſatisfying the army fell in a good and bad county or barony, ſuch as Kerry and Limerick, and Dowhallow and Orrery, and whereas the ſouldiers, before they came to a particular dividend of their general lot, did mutually conſent, that when a lot ſhould fall in a bad county or barony, the perſons, to whom it there fell, ſhould have more acres, and when it fell in a good county, they ſhould have leſs acres, or that the acres in the bad county ſhould have a leſs rate or value ſet on them, and the acres in the good county a greater rate or value ſhould be ſet on them: it is therefore declared, that no overplus of acres in the bad county ſhall be conſidered as ſuch an overplus as is lyable to retrenchment, but with a due reſpect to ſuch mutual agreements as were made in the general lot of the regiment, troop, company or ſociety, before the perſons concerned in it came to a ſubdiviſion.

Defendant, whoſe evidences loſt, not liable to readmeaſurement.

11. No defendant or defendants, whoſe lots are not to be found within the books of diſtribution, books of debentures, or books of Grocers-hall, ſhall be liable to any new ſurvey or readmeaſurement, his evidences being loſt.

Proceedings to new ſurvey ſhall be finiſhed in nine months.

Twelfthly and laſtly, all proceedings in order to a new ſurvey or readmeaſurement, which ſhall not be finiſhed and perfected within nine months next after paſſing this act, ſhall ceaſe and be void, and the defendant to be diſcharged of all ſuch inquiries for concealments upon ſuch informations.

Where eſtate for life only recovered by Iriſh claimant by decree confirmed, the perſons againſt whom, &c. ſhall have election to take the reverſion in fee, or two thirds in other lands preſently.

XXIV. And for the further directions of the commiſſioners for execution of this act in their proceedings touching incumbrances, it is hereby declared, That where the eſtate in any meſſuages, lands, tenements or hereditaments, recovered by any Iriſh claimant by virtue of any decree herein confirmed, is no other nor greater than for the life of ſuch claimant only, there and in ſuch caſe the commiſſioners for execution of this act ſhall give the perſon or perſons, againſt whom ſuch decree hath been made, or thoſe who claim under them, his and their election, whether they will accept the reverſion in fee of the lands ſo incumbred with an eſtate for life expectant upon the determination of the ſaid eſtate, in lieu of their two third parts for the ſame, or will rather chuſe to have their full two third parts ſet out and allotted to them preſently, out of ſome other forfeited lands; and the commiſſioners ſhall give them certificates in order to their paſſing of letters patents, either of the reverſion of the whole or of two third parts in poſſeſſion, according as ſuch election ſhall be made; and where the eſtate in any meſ-

Certificates to be given accordingly.

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theleſs, for the avoiding the ſcandal of ſuch frauds, and to give juſt ſatisfaction to all perſons and intereſts, who may pretend themſelves to be prejudiced by ſuch concealments, be it enacted by the authority aforeſaid, That the lord lieutenant, or other chief governor and governors of Ireland and council there for the time being, ſhall have power, upon information to them made of any ſuch concealments by falſe admeaſurement as aforeſaid, to cauſe a new ſurvey to be made of the parcels and lots wherein ſuch falſe admeaſurement is pretended, and obſerving therein theſe rules and cautions following:

Chief governors and council, upon information of concealments by falſe admeaſurement, may cauſe new ſurvey.

1. That ſuch information be given in within the ſpace of three months next after the paſſing of this act.

Provided information be in three months.

2. That the defendant or defendants, againſt whom ſuch information is given, be firſt heard, before any new ſurvey be ordered.

Defendants firſt heard.

3. That the informer or informers do firſt put in ſecurity by recognizance acknowledged before the lord chief juſtice of the common pleas for the time being, and with good and ſufficient ſureties to be by him allowed, to bear the whole charges of the new ſurvey, and over and above to pay and ſatisfie unto the defendant or defendants his and their full damages and coſts which they ſhall ſuſtaine by ſuch proſecution, and ſhall offer to make oath of before the ſaid lord chief juſtice, in caſe that upon the return of ſuch ſurvey it ſhall not appear that the defendant or defendants, againſt whom ſuch new ſurvey is ordered, were poſſeſt of more land by a full tenth part than he or they ought to have.

Informer to give ſecurity to anſwer charges, damages, and coſts, if defendant not poſſeſſed of more by a tenth part than he ought.

4. Where any new ſurvey is ordered, the ſame ſhall be taken by two ſurveyors to be choſen for that purpoſe, one by the informer, the other by the defendants, and both ſurveyors ſhall be ſworn.

Informer to chuſe one ſurveyor, defendant another, both ſworn.

5. Where the books of diſtribution and the Down ſurvey agree in the ſatisfactions, which have been allotted to any regiments, troops, ſocieties or perſons, or do not differ more than in one tenth, there no reſurvey ſhall be ordered, notwithſtanding ſuch information.

Where books of diſtribution and Down ſurvey differ not more than one tenth, no re-ſurvey ſhall be.

6. What overplus ſoever ſhall appear upon the new ſurvey, if the ſame exceed not one tenth part of what is due to the defendant or defendants, no retrenchment ſhall be made.

No retrenchment where overplus exceeds not one tenth,

7. If the overplus exceed a tenth, it ſhall be lawful to and for ſuch defendant or defendants poſſeſſed of the overplus, to retrench the ſame where they think fit, ſo as ſuch retrenchments be contiguous, and of unprofitable land together with the profitable, but is hereby diſcharged of all accompts for the meaſn profits of the lands ſo retrenched.

if it does, defendant may retrench ſo as contiguous of profitable and unprofitable, diſcharged of accounts for meſne profits.

8. If the information of falſe admeaſurement be againſt a ſouldier, or his heirs or aſſignes, there the lot of the whole regiment, troop or company, ſhall be firſt ſurveyed, and if the ſame exceed not one tenth part of what ſuch regiment, troop or company ought

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to have, then no ſurvey ſhall be taken of any individual lot or proportion.

9. Where the lot of the regiment, troop, or company, ſhall exceed one tenth part of what they ought to have, there the individual parcel to be admeaſured, if there be cauſe of retrenchment, may retrench where he thinks fit, ſo as ſuch retrenchment be contiguous.

Overplus in a bad county not to be conſidered as ſuch as liable to retrenchment, but with reſpect to the mutual agreement made in the general lot of the regiment.

10. Whereas ſome lots for ſatisfying the army fell in a good and bad county or barony, ſuch as Kerry and Limerick, and Dowhallow and Orrery, and whereas the ſouldiers, before they came to a particular dividend of their general lot, did mutually conſent, that when a lot ſhould fall in a bad county or barony, the perſons, to whom it there fell, ſhould have more acres, and when it fell in a good county, they ſhould have leſs acres, or that the acres in the bad county ſhould have a leſs rate or value ſet on them, and the acres in the good county a greater rate or value ſhould be ſet on them: it is therefore declared, that no overplus of acres in the bad county ſhall be conſidered as ſuch an overplus as is lyable to retrenchment, but with a due reſpect to ſuch mutual agreements as were made in the general lot of the regiment, troop, company or ſociety, before the perſons concerned in it came to a ſubdiviſion.

Defendant, whoſe evidences loſt, not liable to readmeaſurement.

11. No defendant or defendants, whoſe lots are not to be found within the books of diſtribution, books of debentures, or books of Grocers-hall, ſhall be liable to any new ſurvey or readmeaſurement, his evidences being loſt.

Proceedings to new ſurvey ſhall be finiſhed in nine months.

Twelfthly and laſtly, all proceedings in order to a new ſurvey or readmeaſurement, which ſhall not be finiſhed and perfected within nine months next after paſſing this act, ſhall ceaſe and be void, and the defendant to be diſcharged of all ſuch inquiries for concealments upon ſuch informations.

Where eſtate for life only recovered by Iriſh claimant by decree confirmed, the perſons againſt whom, &c. ſhall have election to take the reverſion in fee, or two thirds in other lands preſently.

XXIV. And for the further directions of the commiſſioners for execution of this act in their proceedings touching incumbrances, it is hereby declared, That where the eſtate in any meſſuages, lands, tenements or hereditaments, recovered by any Iriſh claimant by virtue of any decree herein confirmed, is no other nor greater than for the life of ſuch claimant only, there and in ſuch caſe the commiſſioners for execution of this act ſhall give the perſon or perſons, againſt whom ſuch decree hath been made, or thoſe who claim under them, his and their election, whether they will accept the reverſion in fee of the lands ſo incumbred with an eſtate for life expectant upon the determination of the ſaid eſtate, in lieu of their two third parts for the ſame, or will rather chuſe to have their full two third parts ſet out and allotted to them preſently, out of ſome other forfeited lands; and the commiſſioners ſhall give them certificates in order to their paſſing of letters patents, either of the reverſion of the whole or of two third parts in poſſeſſion, according as ſuch election ſhall be made; and where the eſtate in any meſ-

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ſuages, lands, tenements or hereditaments, recovered by any Iriſh claimant by virtue of any decree herein confirmed, is ſuch an eſtate in remainder or reverſion as will leave unto the perſon or perſons, againſt whom ſuch decree hath been made, an eſtate for the life of ſome other perſon onely, the commiſſioners for execution of this act ſhall likewiſe give the perſon or perſons, againſt whom ſuch decree hath been made, or thoſe who claim under them, his or their election, whether they will chuſe to continue the poſſeſſion of the whole land during the life of ſuch perſon, and accept the eſtate for life in the whole land in ſatisfaction of one of the third parts, which would otherwiſe be due by the rules of this act, and demand no further allotment of any other forfeited land, than what ſhall be equal in quantity of acres to one third part only, or whether they would rather deſire to have their two full third parts to be ſet out and allotted preſently out of ſome other forfeited lands, and to relinquiſh the poſſeſſion of that eſtate which they hold for life; and the commiſſioners are to proceed to give certificates in order to letters patents, according to the conſequence and event of ſuch election.

So where by ſuch recovery an eſtate for life of ſome other perſon is only left in them, they may chuſe the ſame in ſatisfaction of one of the parts, or have two thirds in other lands, and relinquiſh poſſeſſion of that.

Augmentations of biſhopricks out of fee-farm lands held of them, as in former act.

XXV. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act do forthwith, and with all convenient ſpeed, ſet out and allot, or cauſe to be ſet out and allotted, unto the archbiſhops and biſhops, in the ſaid former act in that behalf named reſpectively, and to their and every of their reſpective ſucceſſors for ever, ſuch augmentations and allowances, and out of ſuch lands as were formerly held, or reputed to be held, in fee-farm of any archbiſhop, biſhop, dean, dean and chapter, or other eccleſiaſtical perſon in his or their politick capacity, under the reſervation of any chiefry, rent, or other duty or ſervice, and in ſuch way and manner as by the ſaid former act is directed and appointed.

Lands not lying within ſecurity ſet apart for the officers ſerving before 1649, or otherwiſe diſpoſed by theſe acts) granted by letters pat. ſince former act to biſhops in augmentation, ſhall be ſurveyed:

If not exceeding the value of augmentation intended, ſhall be enjoyed under ſuch patents,

XXVI. Provided always, and be it enacted, That where any manors, lands or tenements, not lying within the ſecurity ſet apart for the ſatisfaction of the commiſſioned officers, who ſerved in Ireland before the fifth of June one thouſand ſix hundred and forty-nine, nor by the ſaid former act, or this preſent act, otherwiſe diſpoſed to any particular perſon or perſons, have been given and granted to any ſuch archbiſhop or biſhop, and his and their ſucceſſors, by virtue of any letters patents under the great ſeal of Ireland, bearing date ſince the paſſing of the ſaid former act, for or towards his and their reſpective augmentations and allowances, that then and in ſuch caſes the commiſſioners for execution of this act, ſhall cauſe the lands ſo granted as aforeſaid to be ſurveyed and valued; and if, upon the return of ſuch ſurvey, it ſhall appear that the lands ſo granted as aforeſaid do not exceed the value of ſuch augmentations and allowances, as by the ſaid former act were intended to be ſettled

upon

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upon the reſpective archbiſhops and biſhops, to whom ſuch letters patents were granted, then the lands ſo granted as aforeſaid ſhall be held and enjoyed by the ſeveral and reſpective archbiſhops, biſhops, and their ſucceſſors, according to the tenor of their reſpective letters patents; and that the ſaid letters patents ſhall be of like force and effect as any other letters patents granted to adventurers or ſoldiers by virtue of this act are or ought to be; but if the lands ſo granted as aforeſaid ſhall exceed the value of ſuch augmentation, as by the ſaid former act was intended to be ſettled on the archbiſhop or biſhop, to whom the ſaid lands were granted, then the commiſſioners for execution of this act ſhall cauſe ſuch retrenchment of the overplus to be made, as may leave unto the reſpective archbiſhops and biſhops his and their due augmentations and allowances, with as much conveniency and contiguity as may be, and the lands and tenements ſo left unto the ſaid archbiſhops and biſhops ſhall be held and enjoyed by them and their ſucceſſors reſpectively, as fully and amply as the ſame might have been enjoyed, in caſe the lands granted by the ſaid letters patents had not exceeded the value intended by the ſaid former act; and the ſaid letters patents, as to ſo much of the lands therein contained, which ſhall be retrenched by the commiſſioners as aforeſaid, are hereby declared to be null and void, and the lands ſo retrenched ſhall remain and be veſted in his Majeſtie to the uſes of this preſent act; and if the lands ſo granted as aforeſaid ſhall fall ſhort of the value of ſuch augmentations, as in and by the ſaid former act was intended to be ſettled, the commiſſioners for execution of this act ſhall cauſe the ſame to be ſupplied and made up by a further allotment out of ſuch lands, and in ſuch way and manner, as by the ſaid former act was directed.

but if they exceed, the overplus to be retrenched, and veſted in the King,

if they fall ſhort, to be further ſupplied.

XXVII. And it is further enacted, That in lieu of ſuch proviſion for glebes, as by the ſaid former act was intended, the ſaid comiſſioners ſhall likewiſe ſet out ſo many acres of lands more, as may be ſufficient to endow or ſupply all and every the parochial churches in this kingdome with ten acres of glebe at the leaſt (except ſuch parochial churches as are endowed with the like, or a greater quantity of glebe already) and that the ſame be ſo allotted, as may be moſt contiguous and convenient to and for the ſeveral and reſpective pariſh churches hereby intended to be endowed; in which proviſion pariſhes united or to be united by virtue of an act, intituled, *An act for real union and diviſion of pariſhes, and concerning free-ſchools and exchanges*, are to be underſtood but as one pariſh; and pariſhes within great cities and walled towns are not at all intended to be comprehended; and the like care both for contiguity and conveniency is to be had in the ſetting out of the augmentations of the ſeveral archbiſhopricks and biſhopricks, not already provided for as aforeſaid, as far as may be, without the two great prejudice of the

In lieu of the proviſion for glebes by former act, ſo many acres more ſhall be ſet out as to ſupply every parochial church with ten at leaſt, except ſo endowed already;

contiguous and convenient.

United pariſhes by 14 & 15 C. 2. 10. but as one.

Pariſhes in walled towns not comprehended.

Care to be had for conti-

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preſent poſſeſſor, who is to be removed; and after the lands ſet out for the ſeveral augmentations and glebes as aforeſaid, the commiſſioners ſhall certifie their proceedings to the lord lieutenant, or other chief governour and council for the time being; and in caſe the proceedings of the commiſſioners ſhall be there approved and allowed, then the lands, ſet out for augmentations and glebes as aforeſaid, ſhall be and are hereby veſted and ſettled reſpectively in the ſeveral and reſpective archbiſhops and biſhops and incumbents of parochial churches, and their ſucceſſors for ever, and letters patents thereof are to be paſſed to them, and their reſpective ſucceſſors, in like manner as is directed in the caſes of adventurers and ſouldiers, and to be of like effect, ſubject nevertheleſs to the quit-rents hereafter mentioned, and no other.

guity, &c. in augmentations, without too great prejudice to perſon removed.

Commiſſioners to certify their proceedings to chief governors and council,

where if approved, the lands for augmentation and glebes veſted,

and letters pat. to paſs, as for adventurers.

Subject to quit-rents only.

XXVIII. And to the end the revenues of the church may be more ſpeedily ſettled; be it further enacted by the authority aforeſaid, That the lands held, or reputed to be held, in fee-farm of any archbiſhop or biſhop, dean, dean and chapter, or other eccleſiaſtical perſon in his or their politick capacity, and by this act veſted in his Majeſtie, and the ſeveral impropriations forfeited to, and by theſe preſents veſted in his Majeſtie, ſhall be permitted to remaine and continue in the poſſeſſion of the ſeveral archbiſhops, biſhops and other incumbents, until the ſeveral and reſpective augmentations, endowments and glebes ſet out and ſatisfied as aforeſaid; and from and after the augmentations ſatisfied, the reſidue of the lands held in fee-farm as aforeſaid ſhall remain ſubject to the uſes of the former act, not changed by this act, and to ſuch other uſes as in this act are limitted and appointed; and all and every the impropriations or appropriate tythes veſted in his Majeſtie by theſe preſents, or otherwiſe eſcheated to his Majeſtie in right of his crown, and by the ſaid former act veſted and ſettled in the preſent and future incumbents and their ſucceſſors, ſhall likewiſe remain and be veſted in the preſent and future incumbents, and their ſucceſſors, ſubject nevertheleſs to ſuch reſervations, proviſoes, conditions, exceptions and other limitations, authorities and diſpoſitions, as by the ſaid former act the ſame were made ſubject unto, ſo alwayes that all and every the matters and things which by the former act were limitted and appointed to be done, within the ſpace of two years from and after the paſſing of the ſaid act, be likewiſe done within the ſpace of two years from and after the paſſing of this preſent act.

Forfeited fee farms and impropriations ſhall remain in poſſeſſion of the biſhops and incumbents till their augmentations and glebes ſet out,

afterwards the fee-farms to uſes of former act not changed by this.

The impropriations veſted in incumbents, ſubject to reſervation, &c. in former act,

2 years time limited.

XXIX. And be it further enacted by the authority aforeſaid, That all gifts, grants, feoffments, fines and other conveyances hereafter to be made by any archbiſhop or biſhop of any mannors, lands, tenements or hereditaments, which by virtue of or in purſuance of this or the ſaid former act, intituled, *An Act for the better execution of his Majeſtie's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers and other his ſubjects there*, have already been, or hereafter ſhall

Conveyances by biſhops of augmentations, except for 21 years or 3 lives from commencement, and whereon a full moiety of improved rent as now worth reſerved, void.

be granted unto or ſettled upon any archbiſhop or biſhop and his ſucceſſors, as an augmentation of the revenue of ſuch archbiſhoprick or biſhoprick reſpectively, other than the term of twenty-one years, or three lives from ſuch time as any ſuch leaſe, grant or aſſurance ſhall begin, and whereupon the full moyety of the yearly value and improved rent, as the ſame are now worth to be let, ſhall be reſerved and payable during the ſaid term of twenty-one years, ſhall be utterly void and of none effect to all intents and purpoſes; this act, or any other act, law, cuſtom or uſage to the contrary notwithſtanding.

300l. *per ann.* for perpetual ſupport of provoſt of Trinity college, to be ſettled as chief governors and council direct.

XXX. And the commiſſioners for execution of this act ſhall likewiſe ſet out, or cauſe to be ſet out, ſo many more acres of profitable land as may be of the yearly value of three hundred pounds *per ann.* or may be ſufficient to anſwer and ſecure a yearly rent-charge of three hundred pounds *per ann.* to be iſſuing out of the ſame, to the intent the ſame may be a perpetual revenue for the ſupport and maintenance of the provoſt of Trinity college near Dublin, and his ſucceſſors, and be ſettled upon the ſaid provoſt of Dublin and his ſucceſſors, in ſuch way and in ſuch manner as the lord lieutenant, or other chief governour or governours of Ireland and council for the time being, ſhall direct; and the commiſſioners ſhall likewiſe ſet out, or cauſe to be ſet out, ſo many more acres of profitable lands, as may be of the yearly value of three hundred pounds, or may be ſufficient to anſwer and ſecure a yearly rent-charge of three hundred pounds *per annum*, to be iſſuing out of the ſame, to the intent the ſame may be a perpetual revenue for and towards the ſupport and maintenance of the fort at Duncannon, and be ſettled for that purpoſe in ſuch way and manner as the lord lieutenant, or other chief governour or governours and council for the time being, ſhall direct; and in the ſetting out of the ſaid lands the commiſſioners ſhall not be obliged to proceed by any rules of contiguitie, but onely to take care that the value intended be ſecured; and the commiſſioners ſhall likewiſe ſet out, or cauſe to be ſet out, ſo many acres more of profitable lands, as may be of the yearly value of one hundred pound *per annum*, or may be ſufficient to anſwer and ſecure a yearly rent-charge of one hundred pounds *per annum*, to be iſſuing out of the ſame, to the intent the ſame may be a perpetual revenue for the corporation of Bandon bridge, and their ſucceſſors, and be granted to them by letters patents in ſuch manner as other letters patents are herein after directed; nevertheleſs if any lands have been already ſet out for that purpoſe, the commiſſioners are to cauſe the ſame to be valued, and to retrench ſo much thereof as ſhall exceed the value of one hundred pounds *per annum*, and if the whole fall ſhort of that value, to cauſe the ſame to be ſupplyed by further allotments as aforeſaid.

300l. for ſupport of Duncannon fort veſted in the King, his heirs, *&c.* by 23 & 24 *G.* 3. 1.

Therein the commiſſioners not obliged to regard contiguity.

100l. *per. ann.* for Bandon bridge.

To retrench or increaſe lands already ſet out.

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Officers before 1649, and others intended to be ſatisfied with them, and John Bartlet and heirs of Thomas Bartlet, confirmed in lands not decreed away, and all benefits by former act, except the year and year and half rent.

XXXI. And be it further enacted by the authority aforeſaid, That the proteſtant commiſſioned officers who were in regiments, troops, or companies raiſed in Ireland, or tranſported out of England, and ſerved his Majeſtie or his royal father before the fifth day of June one thouſand ſix hundred forty nine, and are not excluded by the ſaid former act, and all others mentioned and intended by the ſaid former act to be ſatisfied equally and together with the ſaid commiſſioned officers out of the ſame ſecurity, who received no lands or money for their pay due unto them for their ſaid ſervice, their heirs, executors, aſſignee or aſſignes, and alſo John Bartlet, and the heirs of Thomas Bartlet, their heirs and aſſignes, ſhall hold and enjoy, and be continued, and confirmed in all and ſingular the meſſuages, mannors, land, tenements and hereditaments, not already decreed away by the commiſſioners for execution of the ſaid former act, and in the benefit ariſing from the redemption of mortgages, ſtatutes and judgements, and in all other the benefits and advantages whatſoever ariſing or accruing unto them by any clauſe in the ſaid former act contained, other than the year's rent and the year and half's rent therein mentioned, which rents are herein after otherwiſe ſatisfied and diſcharged.

Explanation of the words in former act (benefits from the redemption of mortgages, *&c.* where the lands not already diſpoſed to adventurers or ſoldiers.)

XXXII. And it is hereby explained, declared and enacted, that theſe words, "the benefits ariſing from the redemption of mortgages, "ſtatutes ſtaple and judgements, where the lands are not already diſ-"poſed of to adventurers or ſouldiers," ſhall be underſtood and expounded, and ſo are hereby adjudged to be meant and intended of all benefits of that nature, which on the two and twentieth of October one thouſand ſix hundred forty and one, or at any time ſince, were belonging to any Iriſh papiſt or Roman catholick, not already declared innocent by the commiſſioners for execution of the ſaid former act, although the lands were not actually ſequeſtered (ſaving and reſerving as herein after is ſaved and reſerved) and that the commiſſioners for execution of this act ſhall cauſe all and every their ſecurities for ſatisfaction of ſuch arrears ariſing by the ſaid former act, or this prent act, to be equally divided and diſtributed amongſt all and every the ſaid commiſſioned officers and other the perſons aforeſaid, and the heirs, executors, aſſignee or aſſignes of ſuch commiſſioned officers, and other the perſons aforeſaid, according to the proportion of their reſpective arrears ſtated or appointed to be ſtated by this act; and therein care is principally to be taken, that ſuch officers who ſerved before the fifth of June one thouſand ſix hundred forty and nine, and have yet had no ſatisfaction for their ſervice in land or money, their heirs, executors, aſſignee or aſſignes, may be ſatisfied in the firſt place after the rate of twelve ſhillings and ſix pence in the pound, if the ſame will ſo far extend; and if there ſhall be found any ſurplus, then the ſame ſhall be equally diſtributed amongſt all the officers who ſerved before the fifth of June one

The ſecurities to be equally diſtributed in proportion to arrears ſtated by this act.

The rate and manner in which ſatisfaction to be made to ſaid perſons.

12s. 6d. *per £.* to officers before 5 June 1749, if it ſo far extends.

one thouſand ſix hundred forty and nine, and have any arrears due to them, as well thoſe who have formerly had ſatisfaction in part, as thoſe who have yet had no ſatisfaction, and amongſt the reſpective heirs, executors and aſſigns of ſuch officers; and that all and every the reſpective ſecurities herein before mentioned ſhall be forthwith put out of charge without any fees to be therefore paid in order to the diſtribution aforeſaid, and until ſuch diſtribution made ſhall be managed for the benefit of the perſons herein concerned, by ſuch perſons as in the ſaid former act is directed; and in caſe any lands or houſes within any of the ſecurities aforeſaid ſhall by any particular clauſe in this act be diſpoſed unto, or ſettled upon, any perſon or perſons not being a commiſſioned officer as aforeſaid, nor having the ſame in ſatisfaction of arrears due for ſervice before the fifth of June one thouſand ſix hundred forty and nine, or by way of confirmation of ſome clauſe in the former act, the commiſſioners for execution of this act ſhall ſet apart ſo much other forfeited land as may be ſufficient to repriſe the ſaid commiſſioned officers for ſuch loſs and damage as they ſhall ſuſtain by ſuch clauſe, that ſo the ſaid ſecurities may remain and continue to and for the benefit of all perſons therein concerned, as full and ample as the ſame would have been by virtue of this act, if ſuch particular clauſes or diſpoſitions had never been had nor made; and the commiſſioners ſhall cauſe the diſtribution of lands and houſes within the ſecurity of the ſaid officers to be fairly entred in books, as is before directed in the ſettlement of adventurers and ſouldiers, to the end that ſuch perſons, who ſhall be ſettled in any of the reſpective ſecurities, may be enabled to demand letters patents of the houſes, lands and tenements, rights of redemption, ſums of money, and other the premiſſes which ſhall be allotted to them for their proportion, which is hereby enacted ſhall be granted accordingly, and ſhall be good and effectual in law, according to the tenor and purport of the ſame, but ſubject to the quit-rents of eighteen pence *per annum* to be paid to his Majeſtie, his heirs and ſucceſſors for every twenty ſhillings, which any houſe, orchard or garden-plot within the ſecurity aforeſaid is worth to be let according to the ſaid former act, and to ſuch other quit-rents as any of the land within the ſaid ſecurity ought by virtue of the ſaid former act, or this preſent act, to be charged with; ſaving nevertheleſs to all and every the archbiſhops, biſhops, and other the miniſters of the church, ſuch right, benefit and advantage of, in and to the forfeited houſes in cities, walled towns and corporations, as in and by the ſaid former act is given, the ſaid houſes to be ſet out by the commiſſioners for execution of this act.

if lands within ſaid ſecurities particularly diſpoſed by this act, a repriſal ſet apart in other forfeitures.

Said diſtribution to be entered in books.

Letters patents to be granted.

Subject to quit-rents of 18d. every 20s. &c.

Saving to the church forfeited houſes in cities, &c.

XXXIII. And be it enacted by the authority aforeſaid, That the houſe choſen by Edward lord biſhop of Limerick, in the city of Limerick, and ſet out to him for ſeven years according to the act of ſettlement, together with that ſmall waſte plot of ground, and two ruinous

Houſe, &c. in Limerick annexed to the ſee for ever, as a manſion houſe for the biſhop.

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ruinous tenements thereon, which the preſent biſhop thereof now rents of the truſtees at twenty ſhillings *per annum*, lying on the backſide of the ſaid dwelling houſe equal with the front thereof, down to the highway adjoyning to the wall of the ſaid city, being from the ſaid back-ſide in length threeſcore and ſix yards, and in breadth twenty and nine yards, be annexed unto the ſee of Limerick for ever, and be a manſion houſe for William the preſent biſhop thereof and his ſucceſſors.

Benefit of forfeitures by falſe certificates, applied to ſatisfy the 12s. & 6d. in the £. if ſaid ſecurities not ſufficient, and then to uſes in ſaid act, ſo as diſcovery in 3 months.

XXXIV. And be it further enacted by the authority aforeſaid, that the benefit and advantage of all forfeitures by falſe certificates ſhall be in the firſt place applyed to, and for the ſatisfaction of, the perſons aforeſaid, who ought to be ſatisfied twelve ſhillings and ſix pence in the pound, until twelve ſhillings ſix pence in the pound be fully ſatisfied, in caſe the ſecurities aforeſaid ſhall not be ſufficient for that purpoſe, and after twelve ſhillings and ſix pence in the pound fully ſatisfied to the perſons aforeſaid, then the whole benefit of the ſaid forfeitures ſhall be and remain, and ſhall be applied, unto ſuch uſes, intents and purpoſes as in and by the ſaid former act was appointed, ſo as the ſaid falſe certificates be found out and diſcovered within three months after the paſſing of this preſent act.

Explanation as to ſatisfaction for improvements in corporations.

XXXV. And whereas by the ſaid former act ſuch officers or their aſſignes, who ſhall purchaſe any houſes, lands, tenements or hereditaments within any corporation, are enjoyned to give ſecurity to ſatisfie ſuch as by virtue of any leaſe or contract for leaſe have built or improved any houſe or garden, either in money, or elſe by granting to ſuch perſon or perſons a leaſe at a rent proportionable to the ſaid improvement, ſo as the ſaid proportion exceed not a fifth part of the value the ſame are worth to be ſould, meſſuages built from the ground onely excepted: be it enacted and explained by the authority aforeſaid, that no perſon or perſons ſhall be admitted to have any ſatisfaction or ſecurity for his or their improvements, who upon leaſes or contracts for leaſes, made before his Majeſtie's happy reſtauration, were bound to make ſuch improvements, and have actually enjoyed the ſaid houſes, lands and tenements during the full time and term of years for which they did contract and agree as aforeſaid; any thing in this or the ſaid former act to the contrary notwithſtanding.

Perſons not to have ſatisfaction for improvements, who upon leaſes or contracts before the reſtoration were bound to make them, and actually enjoyed during the term agreed.

Papiſt, or perſon not taking the oaths, not to purchaſe houſes in corporations, without licence of chief governors and council.

XXXVI. And to the end that all and every the houſes in corporations, being part of the aforeſaid ſecurities, may always continue in the hands of Engliſh and proteſtant ſubjects as near as may be; it is further enacted by the authority aforeſaid, that no papiſt or popiſh recuſant ſhall be admitted to purchaſe any of the houſes in corporations from the commiſſioners for execution of this act, nor any other perſon or perſons but ſuch who ſhall take the oaths of allegiance and ſupremacy; which oaths any of the ſaid commiſſioners or any juſtice of peace hath hereby power to adminiſter,

without

without the licence and leave of the lord lieutenant or other chief governour or governours in Ireland, and council there by act of council firſt had and obtained; and further that no commiſſioned officer who ſerved before the fifth of June one thouſand ſix hundred forty and nine, nor the heir, executor, aſſignee or aſſignes of ſuch commiſſioned officer, or other perſon to whom any of the houſes within the ſaid ſecurity ſhall be allotted, or ſhall hereafter come, ſhall ſet, grant, alien, demiſe, leaſe, or otherwiſe diſpoſe any houſe or houſes within the ſecurity aforeſaid to any papiſt or popiſh recuſant, or perſon refuſing the oaths of allegiance and ſupremacy as aforeſaid, without licence aforeſaid, under paine of forfeiture of double the value of every ſuch houſe ſo conveyed or diſpoſed as aforeſaid; one moyety thereof to the king's Majeſtie, his heirs and ſucceſſors, the other moyety to him or them that will ſue for the ſame; to be recovered by action of debt, bill, plaint, or information in any of the four courts of record at Dublin, wherein no eſſoign, protection, nor wager of law to be admitted, nor any more than one imparlance; and the ſaid houſes and lands in corporations, together with the ſumm of one hundred thouſand pounds hereinafter mentioned, are with all poſſible expedition to be diſtributed by the commiſſioners for execution of this act according to the rules aforeſaid, that ſo the daily ruine and decay of the ſaid houſes may be prevented as ſoon as it is poſſible.

2 *Anne* 6. nor ſhall they be granted or demiſed to ſuch perſons without licence,

on penalty of double value, half to the King, half to proſecutor.

To prevent decay of ſaid houſes, they are to be diſtributed together with 100000l. (hereafter mentioned) as ſoon as poſſible.

XXXVII. And whereas the lord lieutenant and council of this your Majeſtie's kingdom have, at the humble ſuite of ſeveral of the ſaid officers, conceived an order bearing date at the council board of Dublin the twelfth of January one thouſand ſix hundred ſixty and three, wherein they have ſet down ſeveral rules and directions for the ſtating the arrears of the ſeveral armies, which were imployed in the ſervice of your ſacred Majeſtie, or your royal father of bleſſed memorie in your warrs in Ireland, before the fifth of June one thouſand ſix hundred forty and nine; which order, by reaſon of the ſhortneſs of the time limitted for ſtating the ſaid arrears, and iſſuing debentures unto the ſaid officers, would not be punctually obſerved by your Majeſtie's commiſſioners appointed for execution of the ſaid act: be it therefore enacted by the authority aforeſaid, That the ſaid order, bearing date as aforeſaid, ſhall be and is hereby enacted in as full and ample manner as if the ſame were particularly ſet down and recited in this act; and the commiſſioners appointed or to be appointed for the execution of this act, are hereby authorized and required, before they proceed to the giving out of any ſatisfaction for any arrears of pay due unto any of the ſaid officers or their aſſigns, to take care that all the accompts of the ſaid officers be made conformable unto the rules and directions of the ſaid order, notwithſtanding the debentures iſſued as aforeſaid; and that all deductions, by the ſaid order appointed to be made, be made accordingly; which

Order of council board 12 Jan. 1663, for ſtating arrears of army before 1649 confirmed, and the rules therein to be purſued by commiſſioners.

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being done the ſaid commiſſioners are to proceed to the ſetting out of ſatisfaction to the ſaid officers or their aſſigns, purſuant to the rules of this act and the ſaid order, and not otherwiſe; ſaving to Charles late earl of Mountrath, his executors and aſſignes, the benefit of ſix thouſand pounds due for ſervice before the fifth of June one thouſand ſix hundred forty and nine, which is hereby declared ſhall be ſatisfied and paid out of the ſecurities aforeſaid equally and in like proportion to and with any other perſons who are to be ſatisfied their arrears, and have yet received no ſatisfaction for the ſame; any thing in the ſaid order of the twelfth of January or herein before contained to the contrary notwithſtanding; ſaving alſo unto Edward lord viſcount Conway and Kilulta, the ſatisfaction of ſuch arrears as are due to him for his own ſervice, or for his father's ſervice in Ireland, before the fifth of June one thouſand ſix hundred forty and nine, in ſuch manner and form as the ſame ought to have been ſatisfied, if no ſuch order had been made by the lord lieutenant and council upon the twelfth of January one thouſand ſix hundred and ſixty three; any thing in the ſaid order or in this act to the contrary notwithſtanding.

Saving to lord Mountrath, benefit of 6000l. for the ſervice before 1649.

and to lord Conway ſatisfaction for arrears,

as if ſaid order not made.

XXXVIII. And whereas your Majeſtie, taking into your princely conſideration of how great importance it is to the ſecurity, peace and good ſettlement of this your kingdom of Ireland, that the maritime towns and other places of ſtrength ſhould be put into ſuch hands as are capable to carry on the plantation and ſettlement of thoſe places, whereby the further ruin of the houſes in thoſe towns will be prevented, and commerce and trade recovered, to the great increaſe of your Majeſtie's revenue, was graciouſly pleaſed by one or more letters under your royal ſignature to direct and appoint that Wentworth earl of Roſcommon, and Roger earl of Orrery, ſhould have the priviledge of preemption, and be firſt ſatisfied out of the forfeited houſes of your Majeſtie's city of Limerick; be it therefore enacted by the authority aforeſaid, That Wentworth earl of Roſcommon, and Roger earl of Orrery, their heirs and aſſigns, in the diſtribution and ſetting forth of the ſecurity appointed for the ſatisfaction of the arrears of the commiſſioned officers who ſerved your Majeſty and your royal father in Ireland, before the fifth of June one thouſand ſix hundred forty and nine, ſhall have the preference and primer ſatisfaction of fifty thouſand pounds of their own perſonal arrears, or other arrears purchaſed by them out of the forfeited houſes, lands, tenements and hereditaments in the city, ſuburbs and liberties of Limerick, which are part of the ſaid ſecurities, at the rate of eight years purchaſe, as they are or ſhould be found to be really and *bona fide* worth; and if any doubt or difficulty ſhould ariſe concerning the value of the ſaid houſes or lands, ſo as the truſtees for the ſaid officers ſhall not be ſatisfied with the return already made of the value of the ſame, that in ſuch caſe, upon the

Maritime towns and places of ſtrength ſhould be put into fit hands, to carry on the ſettlement thereof.

The King's letters to that purpoſe, that lord Roſcommon and lord Orrery ſhould be firſt ſatisfied of the forfeited houſes in Limerick.

They are to have the preference and firſt ſatisfaction of 50,000l. of their arrears out of ſaid houſes, &c. at 8 years purchaſe.

if doubt as to the value, a new ſurvey.

the deſire and requeſt of the ſaid truſtees, there ſhall be a new ſurvey and valuation of the ſaid town and liberties, by ſuch perſons as ſhall be appointed by your Majeſtie's commiſſioners for the execution of this act, by and with the conſent of the ſaid truſtees; according to which return the ſaid houſes, lands, tenements and hereditaments are to be ſold, and not otherwiſe; and in caſe the ſaid earls, their heirs and aſſigns, or any of them, ſhall offer unto your Majeſtie's ſaid commiſſioners for the execution of this act any debentures of officers, who ſerved as aforeſaid before the fifth of June one thouſand ſix hundred forty and nine, for or in part of payment for all, or ſo much of ſo much of the ſaid houſes and premiſſes as ſhall be valued to be worth fifty thouſand pounds as aforeſaid, the ſame ſhall be allowed, and the ſaid commiſſioners are hereby authorized and required to accept and receive the ſame for all or in part of the ſaid fifty thouſand pound, ſo as the ſaid debentures are capable of prior ſatisfaction, and there has been ſuch deductions and defalcations made as are directed by this act and the ſaid former act, and ſhall not be excepted to ſatisfie more in the pound than the whole ſecurity will hold out to ſatisfie the debentures of the reſt of the ſaid officers; and the ſaid commiſſioners are alſo required and authorized to give ſuch certificate as is neceſſary for the paſſing of patents thereof, according to the rules in this act.

Debentures offered by ſaid earls allowed and accepted.

Commiſſioners to give certificates for patents.

XXXIX. And be it further enacted by the authority aforeſaid, That all and every the proteſtants, who before the firſt day of September one thouſand ſix hundred and ſixty three, purchaſed lands in the province of Connaght or county of Clare, from any tranſplanted or tranſplantable perſon, and the heirs, executors, aſſignee or aſſignes of ſuch proteſtant purchaſor, ſhall hold and enjoy, and be continued and confirmed in ſuch two third parts of all and ſingular the lands, tenements and hereditaments ſo by them purchaſed as aforeſaid, whereof they are now in poſſeſſion, which by the commiſſioners for the execution of this act ſhall be allotted to them, and ſhall hold the ſame for and during ſuch reſpective eſtates as were purchaſed, freed and diſcharged from all penalties and forfeitures, and all inquiries or qualifications whatſoever, and of and from all eſtates, titles and intereſts, claims or demands, as fully and amply as any adventurer or ſouldier ought to enjoy his or their full two third parts herein before expreſſed; and that the commiſſioners for execution of this act do proceed with all expedition poſſible to the ſetting out of the two thirds, and cauſe the ſame to be entred in books in like manner as is before preſcribed in the ſettlement of adventurers and ſouldiers, to the end that the perſons concerned in the ſaid two thirds and their ſettlement thereupon may be enabled to demand letters patents thereof, in like manner as any adventurer or ſouldier may demand for his part, which is hereby enacted ſhall be granted accordingly, and be as effectual to the reſpective per-

Proteſtant purchaſers before 1 Sept. 1663, from tranſplanted perſons in Connaught and Clare confirmed in two thirds,

free from all penalties, &c.

To be entered in books and paſſed by letters patent as adventurers and ſoldiers.

ſons therein mentioned to all intents and purpoſes as any letters patents granted to any adventurer or ſouldier in purſuance of this act are or ought to be; nevertheleſs it is hereby declared, that the perſons to be ſettled as aforeſaid ſhall have the benefit of all their reſpective improvements as neer as may be, and ſhall have like liberty and advantage in retrenchment of that third part which they are to relinquiſh, and upon like terms and conditions as the adventurers and ſouldiers are to have in the retrenchment of that part of their poſſeſſions which ſhall exceed their full two third parts, and whatever ſhall be ſo retrencht from the ſaid proteſtant purchaſors, or from any adventurer or ſouldier, his or their heirs, executors, adminiſtrators or aſſignes, ſhall remain in his Majeſtie, his heirs and ſucceſſors, to the uſes herein before and after mentioned; and where any of the lands ſo purchaſed have been evicted by any decrees herein after confirmed, or ſhall be given or reſtored to any perſon or perſons by any ſpecial clauſe or proviſo herein contained, the commiſſioners for execution of this act ſhall ſet out, and allot, unto the perſon prejudiced by ſuch decree or clauſe, ſo much other forfeited land as may be equal in quantity of acres to two third parts of the lands ſo evicted or reſtored as aforeſaid: and it is likewiſe further declared and enacted, that the perſons to be ſettled in Connaught and Clare as aforeſaid, and from whom a third part is to be retrencht and cut off as aforeſaid, ſhall be and are hereby diſcharged of and from the year's rent reſerved and paid by Charles earl of Mountrath and others, in a particular clauſe in the ſaid former act mentioned, and of and from all the arrearages thereof.

They ſhall have benefit of improvements, and the like liberty in retrenchment and other conditions as adventurers and ſoldiers.

Retrenchment to remain in the King.

Where evicted by decree or clauſe of reſtoration, other forfeited lands to be allotted equal to two thirds.

To be diſcharged from the year's rent in former act.

XL. And be it further enacted by the authority aforeſaid, That neither adventurer or ſouldier, commiſſioned officer, who ſerved before the fifth of June one thouſand ſix hundred forty and nine, proteſtant purchaſor in Connaught and Clare, tranſplanted perſon, nor the heirs, executors, aſſignee or aſſignes of them or any of them, nor any other perſon or perſons, body politick or corporate, who by the ſaid former act of ſettlement is or are any way intituled to reprizals for or in reſpect of ſome poſſeſſion which they have quitted, or of ſome decrees which have been made againſt them, or otherwiſe, ſhall at any time hereafter be enabled to demand or have the ſame reprizals, further than what will amount to his and their full two third parts as aforeſaid, but ſhall be thereof for ever bared and excluded; any thing in the ſaid former act to the contrary notwithſtanding, (his royal Highneſs James duke of York, his grace George duke of Albemarle, and ſuch others herein after mentioned according to the proviſion herein after made onely excepted.)

Repriſals no further than what will amount to two thirds.

Except dukes of York and Albemarle, &c.

XLI. And be it further enacted by the authority aforeſaid, That no adventurer or ſouldier, nor the heir, executor, aſſignee or aſſignes of any adventurer or ſouldier, who before any decree of innocence made by the commiſſioners for execution of the ſaid act,

Compounders with Iriſh claimants before decree of innocence ſhall not have two thirds, or

did by himſelfe or any other directly or indirectly compound or agree with any Iriſh claimant, whoſe claime was then depending before the ſaid commiſſioners, ſhall ever be admitted to receive or have his two third parts, or any other ſatisfaction for that part of his eſtate which he ſo compounded or agreed for, but as to ſo much of his eſtate for which any agreement was made as aforeſaid, ſhall be for ever barred and excluded to demand his two third parts, as if the perſon ſo agreeing had never been ſeized or poſſeſſed of the ſame, or intituled thereunto, ſo as ſuch compoſition or agreement be made to appear before the commiſſioners for execution of this act, within three monthes after their firſt ſitting.

other ſatisfaction for ſo much, if ſuch compoſition ſhewn to commiſſioners in 3 months after firſt ſitting.

XLII. And for the better improvement and aſcertaining of his Majeſtie's revenue, be it further enacted by the authority aforeſaid, That all lands, by this or the former act veſted in his Majeſtie, or reſtored by virtue of any decrees herein after confirmed or ſettled, or mentioned to be diſpoſed, reſtored, confirmed or ſettled unto or upon any perſon or perſons, bodies politick or corporate, by virtue of any clauſe in this or the ſaid former act contained, and not particularly by plain and expreſs words excepted from quit-rents in the ſame clauſe, and the lands by this act appointed to be ſet out for augmentation of biſhopricks, for endowment of parochial churches with glebe, for the better ſupport of the provoſt or of the provoſt and fellowes of the colledge of Dublin, for the maintenance of the fort at Duncannon, and the benefit of the corporation at Bandon bridg, and all the lands enjoyed by tranſplanted perſons in the province of Connaught or the county of Clare, and all other the lands ſeized, ſequeſtered or ſet out by reaſon of or upon account of the late rebellion or war (the lands of James duke of Ormond, Elizabeth lady dutcheſs of Ormond, the earl of Burlington and Cork, the earl of Roſcommon, and of other the proteſtants of Ireland, heretofore ſequeſtred, onely excepted) be ſubject and liable to ſuch quit-rents to be paid unto his Majeſtie, his heirs and ſucceſſors, as in the former act is directed and appointed; ſaving only that the lands in the province of Ulſter, which by the former act were charged with one penny the acre quit-rent, ſhall be and are hereby charged from henceforth with two pence the acre quit-rent.

For improvement and aſcertaining the revenue, the lands ſequeſtered on account of the rebellion and not expreſsly excepted from quit-rents in the ſame clauſe, (except of duke and dutcheſs of Ormond, lords Burlington and Roſcommon, and other proteſtants heretofore ſequeſtered) ſubject to quit-rents as in former act:

Save that lands in Ulſter, charged with one penny *per* acre, ſhall be charged with 2d.

XLIII. Nevertheleſs becauſe it may ſo fall out, that in ſome counties and baronies of this kingdom the quit-rents, which by the rules of this act will be chargeable upon and iſſuing out of the lands therein lying, may exceed or at leaſt amount to the full of value of the land therewith charged, or very neer the full value, to the great diſcouragement of all plantation and improvement thereupon: be it therefore enacted by the authority aforeſaid, that it ſhall and may lawfull to and for the lord lieutenant, or other chief governour or governours and council for the time being, at any time during the ſpace of three years from and after the paſſing of this preſent act, to

Chief governors and council may during 3 years moderate the quit-rent, where ſo near

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to make ſuch abatement and moderation of quit-rents, as they in their judgements ſhall think fit; and that ſuch order of council as ſhall be made touching the abatement of quit-rents, and enrolled in the court of Exchequer, ſhall be as good and effectual as if the ſame had been enacted by theſe preſents; any thing herein contained to the contrary notwithſtanding.

the value of the land, &c. as to diſcourage improvement.

XLIV. And for the better carrying on of this preſent ſettlement, by raiſing ſuch a ſum of money as may be ſufficient to by off ſeveral eſtates and intereſts, which by virtue of the ſaid former act are now in being, and if they ſhould be ſtrictly challenged and demanded according to the tenor of the ſaid act, would in a great meaſure delay and hinder the execution of this preſent act, be it further enacted by the authority aforeſaid, that one year's rent of all the lands in Ireland, which were returned by the civil ſurvey to belong to any Iriſh papiſt, popiſh recuſant or Roman catholick, according to the values of the ſame lands were let at in the year one thouſand ſix hundred fifty and nine, and of all other the lands wherein any adventurer or ſouldier, his heirs, executors or aſſigns, hath any benefit of ſettlement or confirmation by virtue of this preſent act, (the lands ſettled by Eraſmus Smith to any pious or charitable uſe onely excepted) be forthwith raiſed and paid unto the receivers hereinafter conſtituted and appointed, by two even and equal payments, the firſt payment thereof to begin upon the firſt day of February, which ſhall be in the year of our Lord one thouſand ſix hundred ſixty and five, the ſecond payment to be upon the firſt day of February, which ſhall be in the year of our Lord one thouſand ſix hundred ſixty and ſix, under the penalty following, that is to ſay, every perſon liable to the payment of any part of the ſaid years rents, and making default and failing to pay the ſame by the ſpace of twenty days after any the days and times wherein the ſame ought to be paid, ſhall be chargeable and is hereby charged with double the ſum which ought to have been paid as aforeſaid, to be levied by proceſs out of his Majeſtie's court of Exchequer, in like manner as any the rents, whereof the ſaid earl of Orrery and lord Maſſereen were appointed receivers by the ſaid former act, might have been levied; and if need ſo require, like courſe is to be taken for the aſcertaining of the value of lands charged with the ſaid year's rent, and of returning the ſame into the Exchequer, to remain and be a charge upon record, as in and by the ſaid former act in caſe of the ſaid other rent therein ſecured was appointed; and the receivers hereinafter appointed are to accompt for and pay unto Arthur earle of Angleſey vice-treaſurer of Ireland, or to the vice-treaſurer of Ireland for the time being, all and every the ſums of money by them to be received; nevertheleſs it is hereby declared and enacted, that all and every the ſums of money formerly paid to the earl of Orrery and lord vice-count Maſſereen, in purſuance of the

To raiſe money to buy off ſeveral intereſts, which if ſtrictly demanded by the former act would hinder execution of this,

one year's rent of lands of Iriſh papiſts, as let in 1659, and of other lands confirmed to adventurers or ſoldiers (except thoſe of Eraſmus Smith to pious uſes) to be paid at two payments to receivers,

on penalty of double the ſum,

to be levied as the rents whereof lords Orrery and Maſſareen appointed receivers.

Receivers to account to vice-treaſurer:

But the ſums formerly paid to lords Orrery and Maſ-

the ſaid former act, ſhall be allowed to the perſon and perſons ſo paying the ſame, his and their heirs, executors and aſſigns, in full diſcharge of ſo much of the rent payable by this act as the moneys ſo as aforeſaid paid do or ſhall amount unto, and the two half years rents payable to the ſaid earl of Orrery and lord vice-count Maſſereen by any adventurer and ſouldier, their heirs, executors or aſſigns, by virtue of the ſaid former act, ſhall be and are hereby from henceforth diſcharged; and in caſe the moneys to be raiſed as aforeſaid ſhall fall ſhort of the ſumm of three hundred thouſand pounds, then it ſhall and may be lawful to and for the lord lieutenant or other chief governour and council there for the time being, to tax and aſſeſs upon all the lands in Ireland, ſo much more money, as together with what hath been before raiſed and allowed by virtue of this act, ſhall make up the full and juſt ſumm of three hundred thouſand pounds *ſterling*, and to cauſe the ſame to be aſſeſſed, diſtributed, raiſed, and levied by ſuch ways and meanes as they ſhall think fit, obſerving therein all the equality and indifferency that can be; and Arthur earl of Angleſey, vice-treaſurer of Ireland, or the vice-treaſurer for the time being, is hereby required and enjoyned to pay or cauſe to be paid out of the moneys to be received as aforeſaid unto the King's Majeſtie the ſumm of fifty thouſand pounds, and alſo unto and amongſt ſuch commiſſioned officers who ſerved before the fifth of June one thouſand ſix hundred forty and nine, and have not yet received any ſatisfaction in lands or money, and amongſt the heirs, executors and aſſigns of ſuch commiſſioned officers, and other perſons entitled to be ſatisfied within their ſecurity, ſuch ſums of money as the commiſſioners for execution of this act, having reſpect to the arrears already ſtated, ſhall by any warrant under their hands and ſeals, or the hands and ſeals of the major part of them, direct and appoint, until the whole ſum of one hundred thouſand pounds ſhall be fully ſatisfied and paid; and the warrant or warrants under the hands and ſeals of the ſaid commiſſioners or the major part of them, together with the acquittance or acquittances of the party or parties who ſhall receive any money thereupon, ſhall be unto the ſaid vice-treaſurer a ſufficient diſcharge for ſo much as the ſaid acquittances extend unto; which ſaid hundred thouſand pounds, ſo as aforeſaid appointed to be paid, is hereby declared to be in lieu and recompence of and in full ſatisfaction for the years rent payable out of the lands of thoſe ſouldiers, who had lands ſet out for their arrears in the year one thouſand ſix hundred fifty and three, and the year and halfs rent payable by thoſe other ſouldiers, who had lands ſet out for their arrears in the years one thouſand ſix hundred fifty and five, one thouſand ſix hundred fifty and ſix, one thouſand ſix hundred fifty and ſeven, one thouſand ſix hundred fifty and eight, and one thouſand ſix hundred fifty and nine; the payment of which ſaid rents ſhall

ſarees allowed in diſchatge of ſo much; and the two half years rents payable to them by former act diſcharged.

If it falls ſhort of 300,000l. the chief governor and council to tax equally and indifferently all lands in Ireland to make up the ſame.

The vice-treaſurer to pay thereout 50,000l. to the King.

100,000l. amongſt the officers before 1649, who have not yet received ſatisfaction, by warrant from commiſſioners,

in lieu of the year's and year and half's rent, the payment of which ſhall ceaſe.

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from henceforth ceaſe and determine, and the perſons and eſtates, therewith charged or chargeable by the ſaid former act, ſhall be and are hereby thereof for ever acquitted and diſcharged.

50,000l. to the duke of Ormond, in lieu of forfeited intereſts, &c. to which he is intitled by the declaration and former act.

XLV. And whereas ſeveral clauſes in his Majeſties gracious declaration of the thirtieth of November, in the twelfth year of his reign, and in the former act, do intitle his grace James duke of Ormond and the lady dutcheſs his wife to great quantities of forfeited lands in the counties of Catherlagh, Galloway, Waterford, Dublin, Kildare, Meath, Cork, Kerry, Kilkenny and Tipperary, and other places, and if the ſame were extended to the utmoſt would greatly obſtruct and hinder the ſettlement now intended: be it therefore enacted by the authority aforeſaid, That the full ſum of fifty thouſand pounds *ſterling* be payd out of the moneys aforeſaid, unto his ſaid grace James duke of Ormond, now lord lieutenant of Ireland, his executors, adminiſtrators or aſſignes; which the ſaid vice-treaſurer is hereby required and enjoined to pay or cauſe to be paid out of the moneys aforeſaid unto his ſaid grace, or unto ſuch other perſon or perſons as his grace ſhall appoint; which is hereby declared to be in lieu and recompence of and in full ſatisfaction for all ſuch forfeited and forfeitable eſtates, titles, intereſts, claims or demands in or to any mannors, lands, tenements or hereditaments, mediately or immediately held, as of any of the mannors of the ſaid duke or the lady dutcheſs of Ormond his wife, or heretofore granted by his grace, or any of his anceſtors, or by any of the anceſtors of the ſaid lady dutcheſs in fee farm or fee taile, and of all and ſingular the ſtatutes, judgments, mortgages, and other real ſecurities for money given, made, acknowledged or entred into by any perſon or perſons holding as aforeſaid, to any other forfeiting perſon or perſons not declared innocent (to all which premiſes the ſaid duke and dutcheſs reſpectively by his Majeſties ſaid declaration, and by the ſaid former act are intituled) and of all mean rates, iſſues and profits thereof ſince incurred, and now due to his grace, other than what is already received to his uſe, for which he is hereby acquitted, and of all and every the reverſions and remainders which the ſaid duke or dutcheſs now hath or have expectant upon the ſaid forfeited and forfeitable eſtates taile; which eſtates, intereſts, and other the benefits and advantages herein before mentioned are intended, and ſo are hereby declared to be, as againſt the ſaid duke or dutcheſs, their heirs and aſſignes, utterly barred and extinguiſhed; ſaving nevertheleſs to the ſaid duke and dutcheſs, their heirs and aſſigns, and to ſuch other perſon and perſons as are concerned in the uſes expreſſed in the *quadripartite* deed, bearing date the twentieth day of December one thouſand ſix hundred ſixty one, the full benefit and advantage of all ſuch tenures, chief-rents and other ſervices, as the ſaid forfeited and forfeitable lands and tenements were held by, other than the benefits and advantages of wardſhips

Saving to the duke and dutcheſs, and others in the *quadripartite* deed 1661, all chief rents and ſervices (except wardſhips and knight ſervice.)

and tenures by knights ſervice, in as full and ample manner as the ſaid duke and dutcheſs did hold or enjoy, or might have held or enjoyed the ſame upon the twenty ſecond day of October one thouſand ſix hundred forty one, or at any time ſince; ſaving alſo to the ſaid duke and dutcheſs of Ormond, their heirs and aſſigns, the benefit of all forfeited and forfeitable eſtates veſted in his Majeſtie, and held of them, or either of them as aforeſaid, their or either of their anceſtors, and which were never allotted to any adventurer or ſouldier; in which words it is hereby declared, That the eſtates allotted or ſet out to any ſouldier for ſervice in England or elſewhere, other than in Ireland, are not to be underſtood or comprehended, nor the eſtate of any adventurer upon the doubling ordinances, for more than ſuch adventurer is to have by the rules of the ſaid former act, for the ſum by him diſburſed, as other adventurers, nor the eſtate of any adventurer who claimeth for ſea-ſervice, nor the eſtate allotted to any perſon whatſoever, by the free gift of the late uſurpers or of the then uſurped government, but that all ſuch eſtates ſhall be and remaine unto the ſaid duke and dutcheſs, their heirs and aſſignes, as they did or ought to have been at any time before the making of this act; and alſo ſaving unto the ſaid duke and dutcheſs, their heirs and aſſigns, the full benefit and advantage of all other matters and clauſes in the ſaid declaration and former act contained, not herein and hereby expreſsly changed and altered, and by the ſaid duke and dutcheſs waved and parted withall, which are hereby declared to remain and be in full force as they were before the making of this act.

Saving alſo forfeitures veſted in the King, and held of them, and never allotted to adventurer or ſoldier.

Explanation of thoſe words.

Saving alſo all other matters not herein altered, &c.

XLVI. And whereas the moſt part of the houſes and lands in the city of Kilkenny and in the ſeveral towns of Clonmel, Carrick, Callin and Iniſtioge, Traly and Dingle, and in the ſuburbs and liberties of the ſaid city and towns, were held the twenty-third of October one thouſand ſix hundred forty one of the ſaid duke of Ormond, either in his own right, or in the right of the ſaid duke or dutcheſs his wife, by reaſon whereof the forfeited and forfeitable intereſt of any perſon or perſons in the ſaid houſes and lands were not by the ſaid declaration and former act to be ſettled in any adventurers or ſouldiers, or any other perſon whatſoever, other than the ſaid James duke of Ormond and his heirs; of which conceſſion, if the ſaid James duke of Ormond did take the advantage and full benefite, as he might, the ſame would tend to a great diminution of the ſecurity deſigned for ſatisfaction of the commiſſioned officers ſerving in Ireland before the fifth of June one thouſand ſix hundred forty nine; and he the ſaid James duke of Ormond might likewiſe, as a commiſſioned officer, charge the remain of the ſaid ſecurity with his arrears, amounting to ſixty thouſand pounds *ſterling*, accompting to the tenth of December one thouſand ſix hundred and

Said duke to have houſes and lands in Kilkenny, &c. in ſatisfaction of his arrears.

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fifty, yet is content to accept of the ſaid houſes and lands in full diſcharge of his ſaid arrears: be it therefore enacted by the authority aforeſaid, That the ſaid James duke of Ormond ſhall have, hold and enjoy to him and his heirs, in full ſatisfaction and diſcharge of the ſaid arrears, all and ſingular the forfeited and forfeitable houſes and lands lying and being in the ſaid city, and in the ſaid ſeveral towns, and in the ſuburbs and liberties thereof, other than what hath been given out to adventurers and ſouldiers, and by them, their heirs or aſſigns, were poſſeſſed upon the ſeventh day of May one thouſand ſix hundred fifty nine; any thing in this or the ſaid former act to the contrary notwithſtanding; he the ſaid James duke of Ormond and his heirs, paying and ſatisfying to his Majeſty, his heirs and ſucceſſors yearly for ever, out of the ſaid houſes and tenements in the ſaid city and ſeveral towns, and in the ſuburbs and liberties thereof, one ſhilling ſix pence yearly out of every twenty ſhillings yearly rent which ſhall be had or anſwered out of the ſaid houſes or tenements; and the ſaid vice-treaſurer is hereby further required and enjoined to iſſue out and pay the whole reſidue of the ſaid three hundred thouſand pounds unto ſuch perſon and perſons as his Majeſtie already hath or hereafter ſhall appoint, as a reward of their eminent ſervices and ſufferings for his Majeſtie or his royal Father.

Paying thereout to the King 1*s.* 6*d. per* pound.

Reſidue of the 300,000*l.* as a reward for eminent ſervices and ſufferings.

In what manner.

XLVII. And for preventing of all doubts which may ariſe in the iſſuing and payment thereof, it is hereby declared that the ſame ſhall principally and in the firſt place be applyed to and for the payment and diſcharge of ſuch ſums of money as his Majeſtie did heretofore appoint to be payd out of the half years rent payable by adventurers and ſouldiers by the ſaid former act, that is to ſay, to and for the payment and diſcharge of ſuch ſum or ſums of money appointed by his Majeſtie to be paid to his grace James duke of Ormond, or ſo much thereof as is in arrear; and alſo for the payment and diſcharge of ſo much money as the half years rent, payable by adventurers and ſouldiers in the counties of Eaſt and Weſtmeath, Wexford and Kilkenny, would have amounted to in caſe the ſame had not been diſcharged by this preſent act, which ſhall now be paid out of the reſidue of the ſaid three hundred thouſand pounds unto the aſſignee of the half years rents in the counties aforeſaid, deducting only what hath been already received.

Firſt to diſcharge ſums appointed by the King out of the ſaid half year's rent, &c.

Eſtates of regicides and perſons excepted in the act of indemnity, declaration and inſtructions (not otherwiſe diſpoſed) confirmed to duke of York.

XLVIII. And be it further enacted, declared and explained by the authority aforeſaid, That all the honors, mannors, caſtles, meſſuages, lands, tenements and hereditaments of the regicides in the ſaid former act named, and of all other ſeized or poſſeſſed in truſt for them, or any of them, or claiming by, from, or under them, or any of them, which by the ſaid former act were or ought to be veſted in his royal highneſſe James duke of York and Albany, earl of Ulſter, &c. and his heirs, and of all other perſons excepted in the act paſſed in the Parliament of England, intituled, *An Act of free*

and

and general pardon, indemnity and oblivion; or his Majeſties late gracious declaration and inſtructions in the ſaid former act mentioned, whoſe eſtates are not otherwiſe diſpoſed, other than the lands of ſuch purchaſers, for valuable conſideration from any of the ſaid regicides, who have paid their purchaſe money to his royal highneſſe or his commiſſioners, or to the executors of ſuch regicides, who have ſince anſwered the ſame upon their accompts to his royal highneſſe, or his commiſſioners, and other than the lands and houſes granted or intended to be granted unto James duke of Ormond and the lady dutcheſs his wife, or either of them, by this or the ſaid former act, and other than the lands granted unto Michael now lord archbiſhop of Dublin, heretofore lord biſhop of Cork, and the lands granted unto Francis lord Aungier, and other than the lands granted to Sir George Lane before, and confirmed in and by the ſaid former act, and other than the lands ſettled upon Hercules Huncks by the ſaid former act, which ſhall remain to them, their heirs and aſſigns accordingly, and other than the lands which have been decreed away by the commiſſioners for execution of the late act, ſhall be and are hereby declared to be and continue veſted in his royall highneſs and his heirs, as fully and amply, with all the like benefit and advantage as by the ſaid former act is mentioned, diſcharged of all rents, ſervices and payments by this or the ſaid former act reſerved, created or impoſed; but ſubject to the ſame rents, ſervices and payments as other lands by this act ought to be, in caſe his royal highneſs or his heirs ſhall alien or demiſe the ſame otherwiſe than for lives or years, reſerving the full moyety of the improved rent.

Except the lands of purchaſers, who paid or accounted to the duke.

and lands and houſes granted to duke of Ormond,

and to preſent archbiſhop of Dublin,

lord Aungier and Sir George Lane, and Hercules Hunks.

or decreed away by the commiſſioners

diſcharged of all rents and ſervices by this or the former act,

but ſubject to the ſame as other lands, if aliened or demiſed, ſave for lives or years, reſerving moiety of improved rent,

XLIX. And where any lands formerly ſet out in ſatisfaction of any adventures or arrears, or any other lands whatſoever due to the ſaid regicides, or any of them, have been evicted or recovered from his royal highneſs, his heirs and aſſignes, by virtue of any ſuch decrees as aforeſaid, be it further enacted, That ſome other like quantity of profitable and forfeited lands, according to the Down ſurvey, equal in number of acres to thoſe which have been ſo evicted, and within the counties of Dublin, Lowth, Kildare, and Cork, or ſome of them, if it may be, or otherwiſe elſewhere, be forthwith ſet out by the commiſſioners for execution of this act, and allotted to his royal highneſs and his heirs, to be held as aforeſaid; and further, that all deficiencies which have happened to all or any the perſons whoſe eſtates by the ſaid former act, or this preſent act are veſted in his royal highneſs and his heirs, or which have happened to their or any of their eſtates, be fully ſatisfied and ſupplied out of ſome other forfeited lands to be ſet out by the commiſſioners for execution of this act, and allotted to his royal highneſs and his heirs, to be held as aforeſaid, and that all moneys lent or diſburſed by any of the ſaid perſons, or by any others for them, or any of them, for proviſions, arms or ammunition for ſupport of

If any of ſaid lands evicted by ſuch decrees, equal quantity according to Down ſurvey to be ſet out.

Deficiencies to be ſupplied, and held as aforeſaid.

Money diſburſed for the army in beginning of the

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his Majeſties army in Ireland in the begining of the rebellion there, be likewiſe ſatisfied out of the lands and houſes for that purpoſe, according to his Majeſties declaration in the ſaid act of ſettlement, to be ſet out by the commiſſioners for execution of this act, and allotted to his royal highneſs, his heirs and aſſignes, to be held as aforeſaid; any thing in this or the ſaid former act, to the contrary notwithſtanding; ſaving always unto Arthur earl of Angleſey ſuch right and title of, in, and to ſuch part of the premiſſes as he the ſaid earl of Angleſey hath or ought to have by vertue of the ſaid former act, or this preſent act, or by virtue of an indenture of leaſe under the hand and ſeal of his royal highneſs, made between his royal highneſs of the one part, and the ſaid earl of Angleſey on the other part, bearing date before the paſſing of this act; any thing in this or the ſaid former act to the contrary notwithſtanding.

rebellion, ſatisfied according to the declaration.

Saving to lord Angleſey his right by this or the former act, or by leaſe from the duke before this act.

L. Provided always and be it enacted, That this act ſhall not extend, or be any ways conſtrued to take away, or be prejudicial unto any eſtate, right, title or intereſt of George Duke of Albemarle, his heirs or aſſigns, of, in, or to any lands, tenements or hereditaments, accrewing to him or them by vertue or in purſuance of the ſaid former act, or one other act intituled, *An Act for the ſecuring ſeveral lands, tenements and hereditaments to George duke of Albemarle*; any thing herein before or after expreſſed to the contrary in any wiſe notwithſtanding.

Not to prejudice the right of duke of Albermarle.

LI. And it is further enacted, That the ferry at Wexford, with all the profits and other the rights and priviledges thereunto belonging, or therewith uſed and enjoyed, ſhall be and are hereby veſted and ſettled in the ſaid George duke of Albemarle, and ſhall be held and enjoyed by the ſaid George duke of Albemarle, his heirs and aſſignes.

Ferry at Wexford ſettled on him.

LII. And whereas ſeveral lands and tenements, whereof the ſaid George duke of Albemarle was ſeized by virtue of one or both the acts before mentioned have been evicted or recovered from the ſaid George duke of Albemarle, by virtue of certain decrees lately made by the commiſſioners for execution of the ſaid former act, and ſome incumbrances have likewiſe by decree of the ſaid commiſſioners been allowed and charged upon the lands of the ſaid George duke of Albemarle, for redemption whereof the ſaid George duke of Albemarle hath paid and ſatisfied the full ſum of eight hundred pounds; be it further enacted, that the commiſſioners for execution of this act do forthwith ſet out and allot to the ſaid George duke of Albemarle, and his heirs or aſſigns, out of the lands in the county of Wexford, now or lately held in *cuſtodiam* of his Majeſtie by Sir Richard Clifton knight, ſo much other land as may be equal in quantity of profitable acres, to what hath been ſo decreed and evicted as aforeſaid, and in value to ſuch incumbrance as hath been recovered

To be ſatisfied for lands evicted by decrees, and for 800*l.* paid for redemption of incumbrances charged by decrees on his lands.

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recovered and ſatisfied as aforeſaid; which lands ſo as aforeſaid to be allotted ſhall be held and enjoyed by the ſaid George duke of Albemarle, his heirs and aſſigns, as fully and amply as the lands ſo evicted and decreed as aforeſaid might have been held, in caſe no ſuch decree or eviction had been; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Eniſcorthy and all the eſtate of Robert Wallop granted by letters patents 26 Sept. 13 *C.* 2. confirmed to lords Southampton, Aſhley, and Sir Orlando Bridgman.

LIII. Provided always, and be it enacted by the authority aforeſaid, That the right honourable Thomas earl of Southampton, lord high treaſurer of England; Anthony Aſhley, lord Aſhley, chancellor and under-treaſurer of his Majeſties court of exchequer; Sir Orlando Bridgeman knight and baronet, lord chief juſtice of his Majeſties court of common pleas at Weſtminſter, and Sir Henry Vernon knight and baronet, ſhall have, hold and enjoy to them, their heirs and aſſignes, all that the caſtle, mannor and abby of Eniſcorthy in the county of Wexford, and all the mannors, towns, vills, lands, tenements, territories and hereditaments late of Robert Wallop, late of Farley-Wallop in the county of Southampton, called Kilbeg, Cloine, Tumſalow and Effernock, or by what other name or names ſoever they are known or called, with their and every of their appurtenances in the ſaid county of Wexford, and all other lordſhips, mannors, caſtles, lands, tenements, rents and arrearages of rents, reſerved and payable upon any leaſe or leaſes for lives or years, or otherwiſe, and all reverſions, remainders, ſervices and hereditaments late of the ſaid Robert Wallop, with their and every of their appurtenances in the ſaid county of Wexford, and alſo all that priory or rectory and church impropriate of Selſker in the ſaid county of Wexford, and all houſes, edifices, barns, ſtables, tythes, oblations, obventions, profits, commodities and advantages whatſoever thereunto belonging or appertaining, and all other tythes or tenth parts of corn, grain, hay, wool, lamb, fiſh, and other tythes whatſoever, late of the ſaid Robert Wallop, yearly ariſing, coming, renewing or happening within the ſeveral pariſhes and towns, vills, fields, hamletts, tytheings and tytheable places of St. Margaret, St. Ivern, Iſhartenon, Kilmore, Killame, St. Peter, Carycke, Killoryn, Ballyſonon, Ballnalden, Killiſh, Ardcavan, and Ard-Collme, Killmallock, St. Nicholas, Takillin, Skreene, Killiſk, Ballmeſtaine, Selſker and St. Toolirick, in the ſaid county of Wexford, and alſo all other lordſhips, mannors, caſtles, abbeyes, towns, vills, territories, meſſuages, lands, tenements, rents, and arrearages of rents as aforeſaid, reverſions, tythes and hereditaments whatſoever in Ireland, late the poſſeſſions of the ſaid Robert Wallop; and alſo all other mannors, meſſuages, lands, tenements, meadows, feedings, paſtures, woods, under woods, tythes, rents, reverſions, and hereditaments, together with all and ſingular courts, courts-leet, courts-baron, viewes of frank-pledge, and all that to courts-leet and viewes of frankpledge appertaineth, perquiſits, and profits

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of courts, chattels, waiſes, eſtrays, rights, juriſdictions, franchiſes, priviledges, commodities, advantages, emoluments, hereditaments whatſoever, to the aforeſaid lordſhips, mannors, caſtles, abbyes, lands, tenements, hereditaments, and other the premiſſes aforeſaid, or any of them, or any part or parcel of them, in the ſaid county of Wexford, or elſewhere in this kingdom of Ireland, belonging or appertaining, or accepted, uſed, reputed, taken or known as part, parcel or member of them, or any part or parcel of them, with their and every of their appurtenances, late of the ſaid Robert Wallop; all which premiſſes by his Majeſties letters patents under his great ſeal of England, bearing date the twenty ſixth day of September, in the thirteenth year of his now Majeſties reign, were mentioned to be granted by his ſaid Majeſtie unto the ſaid Thomas earl of Southampton, lord Aſhley, Sir Orlando Bridgeman, and Sir Henry Vernon, and their heirs; and all and ſingular conditions, covenants, forfeitures, entries, titles and rights in any indenture or indentures of leaſe of the premiſſes, or any of them ſpecified or contained or otherwiſe.

LIV. And be it further enacted by the authority aforeſaid, That all and ſingular the ſaid caſtles, mannors, hereditaments and premiſſes ſhall be and are hereby declared and adjudged to be veſted and ſettled in the ſaid Thomas earl of Southampton, Anthony Aſhley, lord Aſhley, Sir Orlando Bridgeman, and Sir Henry Vernon, and their heirs, and that as fully and amply as if the ſaid letters patents had been good and effectual in law, according to the intent and purpoſe thereof; any thing in this or the ſaid former act to the contrary hereof in any wiſe notwithſtanding.

The ſeveral perſons particularly provided for in the former act, and not particularly mentioned in this, ſhall enjoy lands ſettled on them (not decreed away and confirmed) notwithſtanding any retrenchment or alteration by lord lieutenant and council, or any thing in this act.

LV. And be it further enacted, That Sir Maurice Euſtace, knight, late lord chancellor of Ireland; Arthur earl of Eſſex; Roger earl of Orrery; Charles late earl of Mountrath; Richard lord baron of Coloone; Michael late lord biſhop of Cork, now lord chancellor of Ireland, and lord archbiſhop of Dublin; John lord vicecount Maſſareen; Marke lord vicecount Dungannon; Robert Boyle eſq; Sir Arthur Forbus; major George Rawdon, now Sir George Rawdon, baronet; and the relict and heirs of Sir Simon Harcourt; and the relict and children of colonel George Cooke; and the orphans of colonel Owen O Conelly; Sir George Lane; Sir James Waymes; Sir George Aſcough; Sir Theophilus Jones; Sir Walter Plunkett; Sir George Preſton; Sir John Bellew; Sir Martin Noel; Sir St. John Broderick; William Legg, eſq; Edward Vernon, eſq; Robert Southwell, eſq; captain William Hamilton; Maurice Keating, eſquire; Eraſmus Smith, eſquire; Suſanna Baſtwick and her children; Sir William Pettie, and all others particularly provided for in the ſaid former act, and not particularly mentioned in this preſent act, and other ſpecial proviſions made for them, their heirs, executors and aſſigns, do hold and enjoy to

them, their heirs and aſſignes, all and ſingular the lands, tenements and hereditaments in and by the ſaid former act, ſettled, granted, diſpoſed and confirmed, or mentioned, meant or intended to be ſettled, granted, diſpoſed and confirmed to them, their heirs and aſſignes, and not already decreed away by ſuch decrees as are herein confirmed, and all other the benefits and advantages of this preſent act, and the benefits and advantages in and by the ſaid former act mentioned, in any particular clauſe or other proviſoe relating to them or any of them, their heirs or aſſignes, the benefit of reprizals in the ſaid former act granted, onely excepted; any retrenchment or alteration thereof made by the lord lieutenant and council of Ireland, or any other matter or thing in this act to the contrary notwithſtanding.

Lands in Cork held by Sir Wm. Penn as tenant to the King ſettled on him;

LVI. And it is further enacted, That Sir William Penn ſhall hold and enjoy to him and his heirs, all and ſingular the lands, tenements and hereditaments, ſituate in the county of Cork, whereof he the ſaid Sir William Penn, by himſelf or his under-tenants, was upon the firſt day of March one thouſand ſix hundred ſixty-four in poſſeſſion, as tenant to his Majeſtie; and in caſe the ſame ſhall fall ſhort of the full value of one thouſand pound *per annum* over and above all quit-rents, charges and reprizes, the commiſſioners for execution of this act, ſhall cauſe ſo much other forfeited land to be ſet out and allotted unto the ſaid Sir William Penn, his heirs and aſſignes, as may make up the ſame to the full clear yearly value of one thouſand pound *per annum* as aforeſaid; and in caſe the lands held by the ſaid Sir William Penn, his under-tenants or aſſignes, upon the ſaid firſt day of March one thouſand ſix hundred ſixty-four, ſhall exceed the value of one thouſand pound *per annum* over and above all quit-rents, charges and reprizes as aforeſaid, he the ſaid Sir William Penn, his heirs and aſſignes ſhall reconvey unto his Majeſtie, his heirs and ſucceſſors, ſo much thereof as by the commiſſioners for the execution of this act ſhall be declared, or by any inquiſition to be taken within two years after the royal aſſent given to this bill, ſhall be found to be over and above the value of one thouſand pound *per annum* as aforeſaid.

if leſs than 1000l. *per ann.* above all charges, to be made up ſo much:

if more, ſurplus reconveyed to the King.

Perſons particularly reſtored in former act, ſettled in their eſtates, truly belonging to them 22 Oct. 1641,

LVII. And it is further enacted by the authority aforeſaid, That the earl of Clanrickard, earl of Caſtlehaven, Morrough earl of Inchequin, the earl of Clancarty, lord vice-count Dillon, Simon Luttrel, Dudley Bagnall, eſq; Henry Bagnall, Catherine Corbett, Theobald Purcell, eſq; and ſuch others who are particularly mentioned in the ſaid former act to be reſtored to their eſtates, and therein and thereby are actually reſtored without any previous reprizal, and their and every of their executors and aſſignes ſhall ſtand and continue reſtored to and veſted in ſuch their eſtates thereby intended, and ſhall have and enjoy the lands, tenements and hereditaments, and all other the benefits and advantages of the ſaid former

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mer act, in ſuch manner and form, and for ſuch eſtates, and with ſuch priviledges, immunities and diſcharges reſpectively, as in and by the ſaid former act are mentioned and expreſſed.

LVIII. Nevertheleſſe it is hereby declared, That this reſtitution and confirmation is not to extend to any lands, tenements or hereditaments, other than ſuch as did truely, and without fraud, upon the two and twentieth of October one thouſand ſix hundred forty-one, belong to, and were enjoyed by, the ſaid perſons, or ſome of them, their or ſome of their anceſtors or heirs, or were in the poſſeſſion and ſeizin of ſome others in truſt for them, or ſome of them, or be particularly expreſſed in the ſeveral and reſpective clauſes of the ſaid former act.

to make out their titles by the time limitted by commiſſioners, and take out decrees.

LIX. And to the end it may more cleerely appear how much land the perſons aforeſaid are truely intituled unto by virtue of this or the ſaid former act, and how farr the perſons, who are or ſhall be diſpoſſeſſed by them, or any of them, ought to be relieved by virtue of this act; it is further enacted, That all and every the perſons aforeſaid, who claime any benefit by the clauſes aforeſaid, ſhall make out ſuch their title as to the ſeveral parcels of land which they demand, before the commiſſioners for execution of this act, within ſuch time as ſhall be limited by the commiſſioners, and take out their decrees for ſo much as ſhall be allowed upon their claims, and in default thereof ſhall forfeit two years value of the lands in their or any of their poſſeſſions reſpectively, or in the poſſeſſion of their tenants or truſtees, one moyety to the King's Majeſtie, the other to the informer, to be recovered in like manner as other forfeitures are by this act appointed to be recovered.

In default, forfeit 2 years value of their land.

half to the King, half to informer.

Thomas Pigot and Matthew Lock to have two thirds in Weſtmeath, with like liberty of retrenchment, &c. as if original adventurers.

LX. And it is further declared and enacted, That Thomas Pigott, eſq; and Matthew Lock, eſq; ſhall have and enjoy to them and their heirs two full third parts of the lands in Weſtmeath, ſettled on them by the ſaid former act, with like libertie of retrenchment, retaining poſſeſſion, and of demanding and having letters pattents as other adventurers and ſouldiers ought to have, and as if the ſaid lands in Weſtmeath had been in the poſſeſſion of the ſaid Thomas Pigott, and Matthew Lock, on the ſeventh of May one thouſand ſix hundred fifty-nine, and had been allotted to them as original adventurers; any thing herein before to the contrary notwithſtanding.

Perſons reſtored fraudulently poſſeſſing more than belonged to them 22 Oct. 1641, (unleſs particularly expreſſed in former act) forfeit double

LXI. And it is hereby declared and further enacted, That if any of the ſaid perſons herein before-mentioned to be reſtored and appointed to take out decrees as aforeſaid, or any others, who by virtue of any decrees heretofore made by the commiſſioners for execution of the ſaid former act have been reſtored, ſhall at any time within two years next enſueing be found by colour of ſome clauſe in the ſaid former act, or decree as aforeſaid, to have entered upon and kept poſſeſſion of more land than did rightfully belong unto

them, and was in their poſſeſſion on the two and twentieth of October one thouſand ſix hundred forty-one, unleſs the ſame land were particularly expreſſed and given in ſome clauſe in the ſaid former act contained, that then and in ſuch caſe the perſon ſo offending ſhall forfeit double the value of the land ſo fraudulently poſſeſſed and detained, unleſs the ſaid offender ſhall within three months next after the firſt ſitting of the commiſſioners for the execution of this preſent act diſcover and declare the ſame to the ſaid commiſſioners, and openly relinquiſh and ſurrender the poſſeſſion ſo unduely detained as aforeſaid; of which forfeiture one third part ſhall be to our ſoveraign lord the King, and the other two thirds to him or them that will ſue for the ſame, to be recovered by action of debt, bill, plaint, or information in any of the four courts of record at Dublin, wherein no eſſoyne, protection or wager of law ſhall be, or any more than one imparlance.

the value, unleſs in 3 months after commiſſioners ſitting they diſcover and ſurrender,

one third to the King, two thirds to proſecutor.

LXII. And be it further enacted by the authority aforeſaid, That all and every the clauſes in the ſaid former act contained, and not herein altered, explained or repealed, and which will conſiſt with the execution of this act, ſhall be, and ſo are hereby declared to remaine and be of ſuch like force and effect, as the ſame were before the paſſing of this act, and that all other the clauſes which will not conſiſt with the effectual execution of this act, ſhall be and are hereby repealed; any thing herein before contained to the contrary notwithſtanding.

Clauſes in former act not altered, and conſiſtent with this, confirmed:

inconſiſtent, repealed.

LXIII. And further, That all and every the clauſes in this or the ſaid former act contained, ſo farr as the ſame remaine in force, ſhall be conſtrued, expounded and taken in all courts and places whatſoever, moſt liberally and beneficially for the protecting, ſettling and eſtabliſhing the perſons, eſtates and intereſts of proteſtants, who are principally intended by theſe preſents to be ſettled and ſecured.

Both acts conſtrued moſt beneficially for proteſtants, who are principally intended to be ſettled.

LXIV. And be it further enacted by the authority aforeſaid, That all decrees made by the commiſſioners for execution of the ſaid former act, whereby any proteſtant or proteſtants have been declared innocent, ſhall be and are hereby abſolutely confirmed; and alſo that all decrees whereby any papiſt or papiſts have been declared innocent, and which ſhall be taken out within three months after the firſt ſitting of the commiſſioners for execution of this preſent act, ſhall be and are hereby abſolutely confirmed according to the tenor, purport and effect of the ſame; any exception touching the time wherein the ſame decrees were made, and any irregularity or pretended irregularity in not purſuing the declaration, inſtructions, and the ſaid former act to the contrary notwithſtanding; ſuch decrees wherein any landes are comprehended, or which any proteſtant or proteſtants was or were poſſeſſed, before the two and twentieth of October one thouſand ſix hundred forty-one, and which were never

Decrees for innocent proteſtants abſolutely confirmed:

ſo for innocent papiſts, if taken out in 3 months after commiſſioners ſitting.

Except decrees for lands poſſeſſed by proteſtants before 1641, and not ſequeſtered:

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ſeized or ſequeſtred, or ſet apart upon the accompt of the late rebellion or warr, and ſuch decrees wherein more lands are decreed to the claimant than were claimed by him, as to thoſe lands ſo decreed beyond the claim onely excepted; which are hereby declared as for ſo much to be utterly void, ſo as the ſame be diſcovered within ſix monthes next after the firſt ſitting of the commiſſioners; ſubject nevertheleſs to ſuch penalties, as in this and the ſaid former act are contained, touching falſe and fraudulent claims, ſo as the ſame be diſcovered within two years next enſuing the paſſing of this preſent act.

and where more lands decreed than claimed; which as to ſo much void, if diſcovered in 6 months after commiſſioners ſitting.

Subject to the penalties as to falſe claims, if diſcovered in 2 years.

LXV. Provided always, and be it enacted, That no perſon or perſons, who by the commiſſioners for execution of the ſaid former act have been adjudged and declared innocent, and to whom any land, tenements or hereditaments have been adjudged and reſtored by the decree of the ſaid commiſſioners, nor any other perſon or perſons claiming under ſuch decree, ſhall be permitted to ſue or proſecute the perſon or perſons againſt whom ſuch decree was made, his or their executors or adminiſtrators, or any of their tenants or aſſigns, touching or concerning any meaſn profits of the lands and tenements ſo as aforeſaid decreed, but that all ſuits, actions and demands touching or concerning ſuch meaſn profits, and all proſecutions therefore, whether in law or in equity, ſhall be and are hereby barred and excluded, and all and every perſon and perſons liable to ſuch actions, moleſtations and proſecutions, ſhall be thereof for ever acquitted and diſcharged; any thing in this, or the ſaid former act, contained to the contrary notwithſtanding.

Perſons decreed innocent and reſtored, not to ſue for meſne profits.

LXVI. And becauſe many perſons did put in their claims before the commiſſioners for execution of the ſaid former act as innocent perſons, thereby demanding ſome ſmall parcel of land onely, or deriving his or their title to ſome ſmall part from ſome Iriſh papiſt, and thereupon no oppoſition being made, the ſaid commiſſioners declared the ſaid claimant, or the perſon under whom the claimant derived, to be innocent ſince *quoad hoc*, ſince which time the ſaid claimants, and the ſaid perſons under whom they derive, alleaging themſelves to be declared innocent, enter upon great eſtates in ſeveral counties, as deveſted out of the crown by ſuch judgement of innocence, pretending the limitation of that innocence by the words of the decree *quoad hoc* to be repugnant and impoſſible, contrary to the intention and meaning of the ſaid commiſſioners by them publickly declared; whereas if the whole eſtates, to which the ſaid perſons now pretend, had been then in queſtion before the ſaid commiſſioners, the ſeveral adventurers and ſouldiers therein concerned had been ſummoned to have taken notice thereof, and might have made ſuch oppoſition, and produced ſuch proof of their innocency as they thought fit; be it therefore enacted, That no decree wherein any perſon or perſons have been declared innocent

Perſons decreed innocent *quoad hoc* ſhall not enter on or enjoy more lands than particularly mentioned.

quoad

quoad hoc, ſhall give ſuch perſon or perſons any title by virtue of any ſuch decree, to enter upon, or enjoy any more or other lands than what were particularly mentioned in ſuch decrees, but that all other the lands of ſuch perſon or perſons declared innocent, *quoad hoc*, which were ſequeſtered upon the accompt of the late rebellion or war, ſhall remain and continue in his Majeſtie, to the uſes of this and the ſaid former act; any thing in either of the ſaid acts to the contrary notwithſtanding.

Decree declaring lord Tyrconnel innocent, void.

LXVII. Provided alſo, and be it enacted, That nothing herein contained ſhall extend in any wiſe to ratifie or confirm the decree made by the commiſſioners for execution of the ſaid former act, wherein and whereby Oliver earl of Tyreconnel hath been declared to be innocent, but that the ſaid decree, and every part thereof, ſhall be and ſo is hereby declared to be null and void, as if the ſame had never been had or made, and that the ſaid Oliver earl of Tyreconnel, and all others who upon the three and twentieth of October one thouſand ſix hundred forty-one, or at any time ſince, were or are ſeized to his uſe, or in truſt for him, or in truſt for Sir Thomas Fitz-Williams, late vice-count Meryon, father to the ſaid earl, or Chriſtopher Fitz-Williams, uncle to the ſaid earl, or in truſt for the counteſs of Tyreconnel, wife of the ſaid earl of Tyreconnel, and for her ſeparate maintenance, or claiming by, from or under him the ſaid earl of Tyreconnel, ſhall be and continue in ſuch like eſtate and condition, and no other nor better than he or they ought to have been, in caſe no ſuch decree had ever been made, ſubject nevertheleſs to ſuch quit-rents as by this act are impoſed; any thing herein, or in the ſaid former act, contained to the contrary notwithſtanding.

Reſtitution of his eſtate and pardon by letters pat. 16 C. 2. confirmed.

LXVIII. And be it further enacted, That the ſaid Oliver earl of Tyreconnel ſhall hold and enjoy, to him and his heirs, the lands in Cappock in the county of Dublin, and Hanlaſton and Athronan in the county of Meath, mortgaged by the lord vice-count Fitz-William his father, now forfeited to his Majeſtie; and that his Majeſtie's letters patents under the great ſeal of England, bearing date the eighth day of June in the ſixteenth year of his Majeſtie's reign, containing his Majeſtie's gracious pardon to the ſaid earl of Tyreconnel, and a clauſe of reſtitution of all the lands and tenements of the ſaid earl, ſhall be and is hereby confirmed, and ſhall be held and enjoyed accordingly, ſubject to quit-rents as aforeſaid.

Lands of Trinity college in 1641, and now in their actual poſſeſſion, and lands held by leaſe or fee-farm from

LXIX. Provided alwayes, and it is hereby enacted and explained, That no lands, whereof the provoſt, fellowes and ſcholars of the colledge of the holy and undivided Trinity of Queen Elizabeth, neer Dublin, were ſeized in fee in the year one thouſand ſix hundred forty-one, and are now in their actual poſſeſſion, nor any lands held by virtue of any grant, leaſe or fee-farm from the ſaid provoſt, fellows and ſcholars, and forfeited to his Majeſtie, ſhall

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be diſpoſed by virtue or this or the ſaid former act, but that they, and every of them, remaine and be in ſaid provoſt, fellowes and ſcholars, and their ſucceſſors for ever, ſubject nevertheleſs to the payment of ſuch quit-rents for the ſaid forfeited lands, as adventurers or ſouldiers by virtue of this or the former act ought to pay; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

them and forfeited, ſhall remain in them for ever, ſubject to quit-rents.

Several perſons decreed innocent left to law for recovery of their poſſeſſions, by trying their titles.

LXX. And becauſe ſeveral perſons have been decreed innocent, but nevertheleſs have not been reſtored to the lands which they claimed before the commiſſioners for execution of the ſaid former act, but have been left to the courſe of law for the recovery of their poſſeſſions, by trying their titles, grounded upon the validity of thoſe evidences by which they pretended to claime; be it therefore enacted by the authority aforeſaid, That all and every perſon and perſons, who were defendant or defendants in the ſuit or claim upon which ſuch decree was made as aforeſaid, and thoſe claiming by, from and under them, ſhall within three months next after the ſitting of the commiſſioners for execution of this act, declare and make his and their election by writing under his and their hands and ſeals, or under the hands and ſeals of his and their atturneys or agents thereunto lawfully authorized, whether they will immediately deliver up and relinquiſh the poſſeſſion of the lands in controverſie unto the King's Majeſtie, and reſort to their porportionable ſatisfaction out of other forfeited lands, which if they do elect, they are to be admitted accordingly, and ſhall be ſatisfied his and their full two third parts, and ſo much more as may be equivalent to his and their buildings and improvements, and then ſhall part with the ſaid lands, or whether they will rather abide the tryal at law, which if they do elect, and the Iriſh claimant ſhould fail to proſecute his title, or a verdict or judgment ſhall be given againſt ſuch Iriſh claimants, or the perſon or perſons who ſhall derive under ſuch Iriſh claimant, then ſhall ſuch adventurer or ſouldier, or other perſon or perſons, his or their heirs, executors or aſſignes, who ſhall be concerned in that ſuit, for ever and finally hold the ſaid land in queſtion, and every part thereof to him and his heirs; but in caſe verdict or judgment be given for the title of the Iriſh claimant, or no ſuch election be made as aforeſaid, the adventurer or ſouldier, or other perſon, his or their heirs, executors or aſſignes, ſhall be excluded from demanding or having his two third parts, or any other ſatisfaction, which otherwiſe he might have had in reſpect of ſuch land ſo recovered as aforeſaid.

The defendants muſt in 3 months after ſetting elect whether to abide the trial, or relinquiſh the land, and reſort to other forfeitures for their two thirds, and ſatisfaction for improvements;

from which they ſhall be excluded, if no election made, or if upon trial judgment for Iriſh claimant;

Who ſhall give in evidence no other title than that alledged before the commiſſioners.

LXXI. Nevertheleſs it is hereby declared, That no other title ſhall be admitted to be alleaged or given in evidence by ſuch Iriſh claimant, or any claiming under them, but ſuch title as was alleaged in the claim exhibited before the commiſſioners for the execution of the ſaid former act: provided that if any ſecret agree-

ment

ment be made between the Iriſh claimant and the partie concerned as aforeſaid, directly or indirectly, and the perſon ſo agreeing ſhall obtain any ſatisfaction for or in reſpect of the lands ſo agreed for, that then and in ſuch caſe the party ſo offending ſhall forfeit double the value of the lands ſo obtained, one moyetie to the King's Majeſtie, the other moyety to the informer, to be recovered in like manner as other forfeitures are herein appointed to be recovered.

If ſecret agreement, double the value of the lands thereby obtained forfeited.

LXXII. And be it further enacted, That all and every perſon and perſons, who now have any grants or patents of any lands, tenements or hereditaments, or of any titles of honour or dignity, or of any annuity, penſion, office or imployment within this kingdom, not already enrolled, do cauſe the ſame to be enrolled in the chancery of Ireland, within the ſpace of two years next after the royal aſſent to this bill actually given, under pain of forfeiture of two years value of any lands, tenements, annuities, penſions or offices whereof the patents ſhall not be enrolled as aforeſaid; one moyety to the King's Majeſtie, his heirs and ſucceſſors, the other moyety to him or them that ſhall and will ſue for the ſame, to be recovered by action of debt, bill, plaint or information in any court of record, wherein no eſſoyne, protection or wager of law to be allowed, or any more than one imparlance; and that all and every perſon and perſons having any patents touching or concerning any title of honour or dignity not already enrolled, or to be enrolled within the time aforeſaid, ſhall forfeit and looſe the ſum of one hundred pounds *ſterling*; one moyety thereof to the King's Majeſtie, his heirs and ſucceſſors, the other moyety to him or them that ſhall and will ſue for the ſame, to be recovered as aforeſaid.

Letters pat. to be inrolled in 2 years,

on pain of 2 years value of the lands, annuities, penſions or offices;

on pain of 100l. if of titles of honour or dignity.

LXXIII. And it is further enacted by the authority aforeſaid, That all letters patents, hereafter to be granted of any titles of honour, offices or lands whatſoever, ſhall contain in the ſame letters patents a clauſe, requiring and compelling the ſaid patentees to cauſe the ſaid letters patents to be enrolled in the Chancery of Ireland within a time therein to be limited, and all letters patents, wherein ſuch clauſe ſhall be omitted, are declared to be utterly voyd and of no effect.

A clauſe in all letters pat. requiring inrollment by a time: otherwiſe void.

LXXIV. Provided alwayes, and be it enacted, That nothing in this or the ſaid former act contained ſhall extend to prejudice or alter the right, title or intereſt which Elizabeth counteſs of Guilford hath, or ought to have, in the mannors, caſtles, towns, villages, meſſuages, lands, tenements or hereditaments, lying or being in the county of Corke, and now in the actual poſſeſſion of her the ſaid counteſs, or her aſſignes, as the jointure or dower of her the ſaid counteſs, the relict of the late lord vice-count Kynalmeaky, but that the ſame be poſſeſſed and enjoyed by her the ſaid counteſs, and her aſſignes, in the ſame ſtate and condition and no other, as

Not to prejudice the jointure of lady Guilford in Cork.

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ſhe held and enjoyed the ſame before the firſt ſitting of this preſent Parliament; any thing in this or the ſaid former act to the contrary notwithſtanding.

Lord Fitz-Harding to hold under letters pat. to late lord Falmouth.

LXXV. And be it further enacted by the authority aforeſaid, That Charles lord vice-count Fitz-Harding, treaſurer of his Majeſtie's houſe-hold, ſhall hold and enjoy to him and his heirs, all and ſingular the lands, tenements and hereditaments, lately granted or mentioned to be granted unto Charles late lord vice-count Fitz-Harding, afterwards earl of Falmouth, and his heirs, in and by certaine letters patents thereof paſſed under the great ſeal of Ireland.

Thoſe removed from Connaught or Clare ſatisfied two thirds as other adventurers, &c.

LXXVI. And it is hereby declared, That the adventurers and ſouldiers, and proteſtant purchaſors of lands in Connaght and Clare, their heirs and aſſignes who ſhall be thence removed, ſhall be ſatisfied his and their two third parts, in like manner as any other adventurer or ſouldier ought to be ſatisfied by the rules of this act.

Lord Fitz-Harding to hold lands granted by letters pat. till 20000l. paid him by the King in 2 years.

LXXVII. Provided alwayes, That if his Majeſtie ſhall, at any time within the ſpace of two years next and immediately enſuing, pay, or cauſe to be paid, unto the ſaid Charles lord vice-count Fitz-Harding, his heirs or aſſignes, the ſum of twenty thouſand pounds, at or in the middle Temple-Hall in London, upon notice thereof firſt given to the ſaid Charles lord vice-count Fitz-Harding, and his heirs, by the ſpace of one week before ſuch payment, then all and ſingular the lands in the ſaid letters patents mentioned ſhall return to and remaine in his Majeſtie, his heirs and ſucceſſors, to the uſes of this act; and that until the whole ſum of twenty thouſand pounds ſhall be paid and ſatisfied as aforeſaid, it ſhall and may be lawfull to and for the ſaid Charles lord vice-count Fitz-Harding, and his heirs, to retaine and keep poſſeſſion of the premiſſes, and the profits thereof to receive and convert to his and their owne uſe, without any account to be therefore made; any thing herein before to the contrary notwithſtanding.

Lord Clanmalira's claim of innocence not being allowed, the reverſion after his eſtate tail, granted to lord Arlington by letters pat. 14 C. 2. ſhall take effect preſently, and ſaid letters pat. confirmed.

LXXVIII. And whereas Lewis lord vice-count Clanmalira being but tenant in tail of certain lands in Ireland, exhibited his claim before the commiſſioners for execution of the ſaid former act, but the ſame remained undetermined, and no other claime was exhibited by any other perſon to any part of the lands of the ſaid Lewis lord vice-count Clanmalira, either in poſſeſſion or reverſion, or remainder, except only the claim of Sir Henry Bennet knight, now lord Arlington, his Majeſtie's principal ſecretary of ſtate, to the reverſion thereof in fee, being granted to him the ſaid Sir Henry Bennet, now lord Arlington, by his Majeſtie's letters patents, bearing date the fifth day of November in the fourteenth year of his Majeſtie's reign, which claim was by the ſaid commiſſioners allowed, in ſo much that the eſtate and intereſt of ſuch adventurers and

ſouldiers, who were formerly planted thereupon, are become very doubtful, and that as at the beſt they were not to continue longer than during the ſaid eſtate tail, ſo now it may be doubted in law whether they be of any continuance at all, and whether the ſaid eſtate tail be not extinct in law by the forfeiture of the ſaid lord Clanmalira, whoſe claim of innocence hath not been allowed, and ſo by conſequence the reverſion granted to Sir Henry Bennet now lord Arlington as aforeſaid, come to take effect in preſent poſſeſſion: be it further enacted by the authority aforeſaid, That the ſaid Sir Henry Bennet, now lord Arlington, ſhall and may enter into and upon, and ſhall have, hold and enjoy, to him and his heirs, all and ſingular the meſſuages, mannors, lands, tenements and hereditaments, whereof Lewis lord vice-count Clanmalira, or any other perſon in truſt for him was ſeized, or poſſeſſed the twenty-ſecond of October one thouſand ſix hundred forty-one, in as full and ample manner as the ſaid Sir Henry Bennet, now lord Arlington, might have held or enjoyed the ſame by vertue of the ſaid letters patents, in caſe the ſaid eſtate tail had been ſpent or expired, or otherwiſe determined or extinguiſhed; which ſaid letters patents, and all and every the clauſes therein contained, are hereby confirmed and declared to be good, valid and effectual in law to all intents and purpoſes; and that all and every the adventurers and ſouldiers, their heirs, executors, aſſignee or aſſignes, who are to be removed in order to the quiet and peaceable poſſeſſion of the ſaid Sir Henry Bennet, now lord Arlington, ſhall be ſatisfied their full two third parts reſpectively in like order and manner to and with other adventurers and ſouldiers; any clauſe, matter or thing, in this or the ſaid former act contained, to the contrary in any wiſe notwithſtanding.

Adventurers and ſoldiers thereby removed to be ſatisfied two thirds with others.

LXXIX. And whereas Francis lord Aungier in and by the ſaid former act was intitled unto ſome part of the premiſſes amounting to the value of two hundred pounds *per annum*, or there abouts, which, as is alleaged, lyeth ſo intermixt with the reſidue of the ſaid eſtate, that the ſame cannot, without great inconvenience, be continued in the poſſeſſion of the ſaid Francis lord Aungier in ſuch manner as now it is held; be it therefore enacted, That the ſaid Sir Henry Bennet, now lord Arlington, his heirs or aſſignes, ſhall before the firſt day of January next enſuing convey and aſſure unto the ſaid Francis lord Aungier, his heirs and aſſignes, ſo much of the premiſſes as Arthur earl of Angleſey, and Roger earl of Orrery, or the ſurviver of them, ſhall, by any writing under his or their hands and ſeals before that time to be made, declare and appoint, in lieu and recompence of the eſtate of the ſaid Francis lord Aungier, of and in the premiſſes; and in default of ſuch declaration and appointment,

Lord Aungier, having about 200l. *per ann.* intermixed therewith, ſhall have land from lord Arlington in lieu thereof;

as by lord Angleſey and lord Orrery appointed.

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ment, or of the performance thereof, the ſaid Francis lord Aungier ſhall hold and enjoy to him and his heirs the meſſuages, lands and tenements, whereof he is now in poſſeſſion, and to which he ſtands intituled by the ſaid former act, according to the tenor thereof; any thing in this preſent act contained to the contrary notwithſtanding.

Regiſter to the commiſſioners, Sir John Percival for life.

LXXX. And be it further enacted by the authority aforeſaid, That there ſhall be and is hereby conſtituted and erected an office or place of regiſter to the commiſſioners for execution of this act, who ſhall take care that due entries be made of all retrenchments of any third part, or other proportion of lands to be cut off from any adventurer or ſouldier, their heirs and aſſignes, and the valuations thereof, and of all decrees and certificates to be made by the commiſſioners for execution of this act, and of all other the proceedings in order to the ſervice of this act, which

His office.

are fit and proper to be regiſtered; and that the ſaid office, or place ſhall be held by Sir John Percival baronet during his naturall life, to be exerciſed by himſelf or his ſufficient deputy; and that the ſaid Sir John Percival by himſelf or his deputy, ſhall be, and is hereby impowered and required to have the care and cuſtody of all claims, certificates, plots, ſurveys, (except ſuch as relate to the office and imployment of the ſurveyor general) debentures, duplicates, entries, and copies of them, returns of commiſſions, valuations, examinations, affidavits, reports, rolls, and all other publique books, papers, writings and records whatſoever, which any the commiſſioners, or ſub-commiſſioners for the ſervice of this act, ſhall uſe in ſuch office or place wherein they ſit, and which ſhall be dependant on the ſaid ſervice, or relating thereunto; and all perſons who have any of the like books or papers aforeſaid, which have been uſed in or towards the execution of the ſaid former act, ſhall forthwith deliver the ſame, or cauſe the ſame to be delivered to Sir John Percival: and to the end that no fraud or deceipt may be uſed herein, nor any of the ſaid writings or

C. governor and council to examine and commit perſons ſuſpected to have cuſtody of papers or records relating to this ſervice.

records be imbeizeled, the lord lieutenant, or other chief governour or governours of Ireland for the time being, and the council there, ſhall have power to ſend for any perſon or perſons, whom they ſhall ſuſpect to have any of the writings or records aforeſaid, and to examine him or them upon his or their oathes touching the ſame, and to commit to priſon ſuch perſon or perſons as ſhall refuſe to be examined, or being examined ſhall refuſe to deliver ſuch books, papers, and records relating to the ſervice of the ſaid former act, as ſhall appear to be in his or their hands, or which they can come by: and further, the ſaid Sir John Percival, by himſelf or his deputy, and by ſuch under clerks, for which he will be reſponſible, ſhall from

time

time to time attend ſuch commiſſioners, and tranſcribe, copy, prepare, regiſter, enter, draw up, and enroll, or cauſe to be tranſcribed, copied, prepared, regiſtered, entred, drawn up and enrolled, all and every the decrees, judgments, orders, warrants, ſummons, injunctions, reports, and certificates of any of the commiſſioners, or ſub-commiſſioners, for execution of the ſaid former act, not already enrolled or entered, or of any of the commiſſioners, or ſub-commiſſioners for the ſervice of this act for the time to come, and ſhall alſo act and do, or cauſe to be acted and done, all and every the matters and things which doe or may any way concern the office of regiſter, or other the premiſſes, as fully and amply as any regiſter or regiſters to the commiſſioners for execution of the ſaid former act, and his and their clerks, did or ought to have done, he and they taking therefore ſuch fees onely and no other, as by the lord lieutenant or other chief governour or governours of Ireland for the time being ſhall be held reaſonable; which fees he and they are hereby enabled to receive and recover accordingly.

Regiſter's fees.

LXXXI. And it is hereby declared and enacted, That the ſaid Sir John Percival ſhall, yearly and every year during the execution of this and the former act, account for and pay unto the lord lieutenant, or other chief governour and governours of Ireland, one full third part of the cleer annual profits of the ſaid office, the neceſſary charges to be expended in and about the execution thereof being firſt deducted; and the ſaid lord lieutenant, or other chief governour or governours of Ireland, are hereby required to cauſe all the moneys ſo as aforeſaid, received, to be iſſued out and paid from time to time to ſuch perſon or perſons as his Majeſtie already hath appointed or hereafter ſhall appoint: and it is further declared, That an acquittance or receipt ſigned with the ſign manual of the ſaid lord lieutenant, or other chief governour or governours of Ireland, ſhall be for ſo much as is therein contained a ſufficient diſcharge unto the ſaid Sir John Percival, his heirs, executors and adminiſtrators, and every of them; and for the more juſt regulation of proceedings in this office, the commiſſioners for execution of this act are hereby impowered and required to adminiſter an oath to the ſaid Sir John Percival, and all others, who ſhall be imployed in any miniſterial office or imployment relating to the ſervice of this act, in theſe words following:

Sir John Percival to pay yearly to C. governor 1-third of the clear profits of the office.

To be paid as by the King appointed.

You ſhall ſwear that you ſhall well and truly execute the place of

according to the beſt of your ſkill and knowledge, and therein you ſhall ſpare no perſon for favour and affection, nor any perſon grieve for hatred or ill will,

ſo help you God.

Oath of the regiſter and other miniſterial officers.

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LXXXII. And whereas there is one clauſe contained in the ſaid former act in theſe words following, "And for the better prevention of all future rebellions, and to the end our good ſubjects of Ireland may be likewiſe ſecured againſt all inſurrections or attempts for the time to come, and the ſaid kingdom be the better planted and improved, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord lieutenant, or other chief governour or governours and council of Ireland for the time being, from time to time and at all times hereafter, during the ſpace of ſeven years to be accompted from the firſt day of May one thouſand ſix hundred ſixty and five, to make and eſtabliſh ſuch rules, orders and directions for the better planting with proteſtants the lands by this act veſted in his Majeſtie, and not appointed to be reſtored to innocent perſons; and for the better regulation of cities, walled towns and corporations, and the electing of magiſtrates and officers there, and to inflict ſuch penalties for the breach thereof, as they in their wiſdom ſhall think fit, ſo as the penalties for breach of the rules of plantation do not extend further than to treble the quit-rents due for the lands which ſhall be planted otherwiſe than thoſe rules ſhall direct; the ſaid penalties to continue, and be yearly paid to the King, his heirs and ſucceſſors, till the ſaid rules of plantation be performed, and thenceforth the rent by this act reſerved to be onely payable; and ſo as the penalty for breach of the rules to be made touching corporations do not extend further than to the removall or diſfranchiſement of ſuch perſons as ſhall be found guilty of the breach thereof; which rules, orders and directions, ſo as aforeſaid to be made, ſhall be as good and effectual in law, to all intents and purpoſes, as if the ſame had been eſtabliſhed by authority of this preſent Parliament, and ſhall remain, continue and abide in force, for ſuch and ſo long time as in and by the ſaid rules, orders and directions ſhall be limited and appointed:" And whereas ſome doubt doth ariſe whether the lord lieutenant, chief governour or governours and council of Ireland for the time being, may make and eſtabliſh rules, orders and directions for the better regulating of ſuch cities, walled towns and corporations as have been anciently incorporated, or onely for the better regulating ſuch corporations as ſhall or may hereafter be created according to the tenor and purport of his Majeſties gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeverall intereſts of adventurers, ſouldiers, and other his Majeſties ſubjects there; for the cleering whereof, be it further enacted, and it is hereby declared and enacted by the King's moſt excellent Majeſty, by and with the

Recital of a clauſe in former act by which chief governor and council during 7 years may make rules for better planting with proteſtants, lands not reſtored to innocents,

and for regulation of corporations, and inflict penalties for breach of ſuch rules:

ſo as not more than treble the quit-rents of the lands,

nor further than diſfranchiſement of offenders.

Doubt thereupon.

Such rules to extend to all corporations, new and old.

advice and conſent of the lords ſpiritual and temporall and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, that it ſhall and may be lawful to and for the lord lieutenant, or other chief governour or governours and council of Ireland for the time being, from time to time and at all times to come, during the ſpace of ſeven years, to be accompted from the twenty ninth day of September one thouſand ſix hundred ſixty five, to make and eſtabliſh ſuch rules, orders and directions for the better regulating of all cities, walled towns and corporations both new and old, and ſuch as ſhall be created within this kingdom, and the electing of Magiſtrates and officers there, and to inflict ſuch penalties for the breach thereof, as they in their wiſdom ſhall think fit; ſo as the penalties for breach of the rules, orders and directions to be made touching ſuch corporations, do not extend further than to the removall and disfranchiſement of ſuch perſons as ſhall be found guilty of the breach thereof; and ſuch rules, orders and directions, ſo to be made as aforeſaid, ſhall be as good and effectual in law to all intents and purpoſes as if the ſame had been ſpecially and particularly eſtabliſhed by authority of this preſent Parliament, and ſhall remain, continue and abide in force for ſuch and ſo long time as in the ſaid rules, orders and directions ſhall be limitted and appointed; any thing in the ſaid act or otherwiſe to the contrary thereof in any wiſe notwithſtanding.

4 C. 1. 3.

And as effectual as if by this act ſpecially eſtabliſhed.

LXXXIII. And whereas the officers and ſouldiers who ſerved in Ireland, ſince the fifth of June one thouſand ſix hundred and forty nine, and the Connaught purchaſers, for the better furtherance and management of their common intereſt, have by their humble addreſs repreſented the neceſſity of raiſing of monies, and ſupplicated leave for ſo doing, as was formerly granted to the adventurers and their aſſigns in the like caſe, and leaſt ſome of the ſaid officers and ſouldiers or ſome of their reſpective aſſignes, may prove to be refractory in paying and allowing their juſt proportions of money for the ſaid ends and for defraying of the publique charge thereabout, it being nevertheleſs very expedient that a ſervice of ſuch a publique and common advantage ſhould be equally born by all perſons concerned therein; be it therefore enacted by the authority aforeſaid, That the ſaid officers and ſouldiers, and Connaught purchaſers, their heirs and aſſignes, ſhall allow, ſatisfie and pay ſuch ſum and ſums of money, as Arthur earl of Angleſey, Roger earl of Orrery, the lord vice-count Conway, lord Kingſton Sir John Skeffington baronet, Sir Thomas Clarges knight, Sir Thomas Stanley knight, Sir Richard Kerle, Sir William

Officers ſerving ſince 1649 and Connaught purchaſers ſhall pay towards publick charges ſuch ſums aſſeſſed by certain perſons named that ſaid charges may be equally born.

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Petty, doctor Robert Gorges, Henry Nicoll, John Brett, and Miles Cooke eſq; or any three or more of them meeting at Dublin the firſt Thurſday in Hillary term one thouſand ſix hundred fifty and five, or any other term after, at the four courts in Dublin, between two and five of the clock in the afternoon, ſhall think fit and aſſeſs; which ſaid ſum or ſums, ſo to be aſſeſſed and raiſed, ſhall not exceed two pence for every profitable acre, which ſhall be by virtue of this act confirmed unto them, their heirs and aſſignes, now in their poſſeſſions, or at any time hereafter ſhall be confirmed upon them reſpectively, and ſhall be paid unto the receivers herein after mentioned, and ſhall be diſpoſed by them, or any three or more of them, for and toward the end aforeſaid, and not otherwiſe.

Not exceeding 2d. every profitable acre.

for default double the ſum, levied by diſtreſs and ſale.

LXXXIV. Provided always, that of the three there be always one of the peers and two of the commoners before ſpecified; and for default of payment of any ſum or ſums ſo aſſeſſed, it ſhall and may be lawful to and for the perſons aforeſaid, or any three or more of them, or ſuch other perſon or perſons as they ſhall direct and appoint, to levey, by diſtreſs and ſale of the goods and chattles of ſuch perſon or perſons ſo making default, double the ſum that ſhall be upon him or them aſſeſſed and in arrears, rendering the overplus to the partie diſtrained.

Lands of Eraſmus Smith intended for charitable uſes, not already decreed away, ſhall be applied thereunto,

LXXXV. And whereas amongſt ſeveral bills certified and tranſmitted under the great ſeal of Ireland, unto his Majeſtie in his high court of chancery in England, by a certificate bearing date at Dublin the thirteenth day of May, in the ſixteenth year of his Majeſties raign, a bill is tranſmitted, intituled *An Act for ſettling of certain lands of Eraſmus Smith eſq; for charitable uſes;* be it further enacted by the authority aforeſaid, That all the lands, tenements and hereditaments in the ſaid bill mentioned, and thereby intended to be diſpoſed for charitable uſes, and not already decreed away by the commiſſioners for execution of the ſaid former act, ſhall be continued and applyed unto, and preſerved intirely for ſuch pious and charitable uſes; and that the commiſſioners for execution of this act, ſhall not allot or diſtribute the ſaid lands, or any part thereof, or ſuffer the ſame to be allotted or diſtributed to any adventurer or ſouldier in purſuance of this act; and where any of the lands ſet out by the ſaid Eraſmus Smith to pious or charitable uſes have been evicted, recovered, or charged by any decrees which are confirmed by this act, the commiſſioners for execution of this act ſhall cauſe a like quantity of forfeited and profitable acres within the county of Lowth, if ſo

where evicted, removed, or charged, to be repriſed in Lowth, or elſewhere,

much can there be found, or otherwiſe elſewhere, to be ſet out and allotted to the ſame pious uſes, as may be ſufficient to recompence the loſs which hath happened by ſuch decrees as aforeſaid; any thing in this or the ſaid former act to the contrary notwithſtanding.

Commiſſioners to examine the title of Eraſmus Smith and of Sir John Stephens to lands in Tipperary.

LXXXVI. And whereas ſeveral lands and tenements in the county of Tipperary, heretofore in the poſſeſſion of Eraſmus Smith, upon the ſeventh day of May one thouſand ſix hundred fifty and nine, and claimed by him as an adventurer, according to the rules of his Majeſties late gracious declaration, and the ſaid former act, were after the ſaid declaration, and before the paſſing of the ſaid act, granted by his Majeſties letters patents unto Sir John Stephens and his heirs as lands concealed, which grant nevertheleſſe might at any time by the rules of the ſaid former act have been revoked by his Majeſtie, if his Majeſtie had not been pleaſed ſince the paſſing of the ſaid act to releaſe his power of revocation, by reaſon whereof great ſuits and controverſies are likely to ariſe between the ſaid Eraſmus Smith, and the ſaid Sir John Stephens, and ſuch as do or may hereafter claim under them reſpectively: to the end therefore that ſpeedy right and juſtice may be done, and the ſaid controverſies appeaſed and determined; be it enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall examine the right and title of the ſaid Eraſmus Smith, and of the ſaid Sir John Stephens, in and to the ſaid lands and tenements, and if they ſhall find that the ſaid Eraſmus Smith, or thoſe under whom he claims, were on the ſeventh of May one thouſand ſix hundred fifty and nine, ſeiſed or poſſeſt of all or any the ſaid lands, as an adventurer or adventurers, or as the heir or aſſignee of any adventurer, then they ſhall forthwith reſtore the poſſeſſion to the ſaid Eraſmus Smith, to be held by him, and his heirs and aſſignes, in like manner and proportion as other adventurers ought to enjoy their ſeveral and reſpective proportions according to this act; in which caſe the ſaid Eraſmus Smith is hereby enabled to ſue for and recover the meſne profit thereof received; but if they ſhall find the ſaid lands to have been held by the ſaid Eraſmus Smith without any ſuch title as aforeſaid, and that the ſame were concealed from his Majeſtie at the time of the paſſing of the ſaid letters patents, then they ſhall adjudge the ſaid lands, or ſo much thereof as they ſhall find to be ſo concealed, to Sir John Stephens and his heirs, to be held by him and his heirs according to the tenor of his ſaid letters patents; and ſuch judgements and decree, as the ſaid commiſſioners ſhall make touching the premiſſes, ſhall be and is hereby made concluding to

If the former found in poſſeſſion 7th May 1659 as adventurer, to be reſtored to him, and meſne profits recoverable,

but if without title, and the lands concealed, to be enjoyed by Sir John Stephens according to his letters patents,

Commiſſioners judgment final.

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the ſaid Eraſmus Smith, and the ſaid Sir John Stephens, their heirs and aſſignes; any thing in the ſaid letters patents or in the ſaid former act contained to the contrary notwithſtanding.

William Montgomery having purchaſed debentures, and placed them on his eſtate ſince decreed to him as innocent proteſtant, ſhall be ſatisfied ſaid debentures in other forfeited lands.

LXXXVII. And whereas William Mountgomery of Roſemount in the county of Down eſq; did purchaſe of ſeveral perſons certain debentures which were due for ſervice done in Ireland ſince the fifth of June one thouſand ſix hundred forty nine, and placed the ſame in and upon the purchaſe of a part of his own eſtate, called or known by the name of the mannor of Florida in the county aforeſaid, then ſet out or ſet apart by reaſon of or upon accompt of the ſaid late rebellion or war, ſince which time the ſaid William Mountgomery hath by the commiſſioners for execution of the ſaid former act been declared and adjudged an innocent proteſtant, and thereupon the ſaid mannor of Florida, together with the reſt of the eſtate of the ſaid William Mountgomery, hath been decreed unto him, by reaſon whereof the debentures ſo purchaſed and placed thereupon as aforeſaid do remain wholly unſatisfied: be it therefore enacted by the authortty aforeſaid, That the commiſſioners for execution of this act ſhall ſet out or cauſe to be ſet out unto the ſaid William Mountgomery ſo much forfeited land as may be ſufficient to ſatisfie the ſaid debentures in like manner and form, and according to ſuch rates and proportions, as any other like debentures ought by the rules of this act to be ſatisfied, as fully and amply as any other purchaſor or aſſignee of the ſaid debentures ought to have been ſatisfied, in caſe the ſame had been placed on the ſaid mannor ſo evicted or decreed as aforeſaid.

John Fitzpatrick ſhall enjoy benefit of his clauſe in former act, notwithſtanding office or inquiſition found 19 J. 1.

LXXXVIII. And whereas in and by a certain clauſe in the ſaid former act colonel John Fitzpatrick, of Caſtle-town in the Queens county, is reſtored in blood, and alſo reſtored unto and veſted in the real and actual poſſeſſion and ſeizin, to him and his heirs, of all and every the caſtles, mannors, lands, tenements, and hereditaments, reverſions, remainders and leaſes, whereof the ſaid colonel John Fitzpatrick, or his Father, or any other in truſt for them, or either of them, or to their uſe, were at any time before the two and twentieth of October one thouſand ſix hundred forty and one lawfully ſeized or poſſeſſed, upon which words ſeized or poſſeſſed, ſome doubt or queſtion in law may ariſe how far the ſaid clauſe may availe the ſaid colonel Fitzpatrick, by reaſon that a certaine office or inquiſition was found in the nineteenth year of King James, by which his Majeſtie is or may be intituled, or pretended to be intituled to the whole territory of Upper Oſſory, within

which

which place the lands intended to be reſtored to the ſaid colonel John Fitzpatrick do lye, and ſo by conſequence the ſeizen and poſſeſſion thereof, which was in the ſaid colonel John Fitzpatrick's grandfather at the time of the ſaid office or inquiſition found, may be from the ſaid ninteenth year of King James conceived to have been in the King's Majeſtie, and not in the ſaid colonel Fitzpatrick's grandfather, or other any in truſt for him, although he or ſome of them were then in the actual poſſeſſion and occupation thereof, and received the profits; be it therefore enacted and explained by the authority aforeſaid, That the ſaid colonel John Fitzpatrick ſhall hold and enjoy to him and his heirs the full benefit of the clauſe and proviſo in the ſaid former act contained; the ſaid office or inquiſition, or any other matter or thing in the ſaid former act or this preſent act to the contrary notwithſtanding.

Adventurers and ſoldiers confirmed in lands in Queen's county notwithſtanding inquiſition 19 *J.* 1.

LXXXIX. And it is hereby declared and enacted, That all and every the adventurers and ſouldiers, their heirs and aſſigns, to whom any lands or tenements in the Queen's county were ſet out and allotted, and whereof they were poſſeſt the ſeventh of May one thouſand ſix hundred and fifty nine, the lands of the ſaid John Fitzpatrick excepted, ſhall hold and enjoy ſuch part of the ſaid lands and tenements as will be due to them by the rules of this act, the ſaid office or inquiſition in the nineteenth year of King James to the contrary notwithſtanding.

Lord Carlingford confirmed as by former act, notwithſtanding any retrenchment or alteration.

XC. Provided always that all and ſingular the clauſes in the ſaid former act contained, wherein or whereby any mannors, lands, tenements or hereditaments are granted to or veſted in Theobald earl of Carlingford, or whereby any other benefit or advantage can or may accrue unto the ſaid earl of Carlingford, ſhall be and are hereby again confirmed, and ſhall be enjoyed by the ſaid earl of Carlingford, in as full and ample manner as in the ſaid act is contained; any retrenchment, change, or other alteration thereof made by the lord lieutenant and council of Ireland, and any other clauſe, matter or thing in the ſaid former act, or this preſent act contained to the contrary thereof in any wiſe notwithſtanding.

Sir Richard and Sir Henry Ingoldſby ſhall hold lands within and near the mile line in Clare, and houſes, *&c.* in Limerick, *&c.* except as decreed away.

XCI. Provided alwayes and it is hereby declared and enacted, That Sir Richard Ingoldſby knight of the Bath, and Sir Henry Ingoldſby baronet, ſhall hold and enjoy to them and their heirs, all and ſingular the lands within and contiguous to the Mile-line in the county of Clare, which were ſet out to them, or either of them, in ſatisfaction of fifteen hundred and fifteen pounds eleven ſhillings two pence, with their houſes and gardens in Limerick, and alſo all and every their lands of which they or either of them were poſſeſſed by

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themſelves or their tenants the ſeventh of May one thouſand ſix hundred and fifty nine, ſuch part of the premiſſes onely excepted, as have been decreed away by the commiſſioners for execution of the ſaid former act; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Henry Finch in Nov. 1641 raiſed a company in Londonderry, and maintained three years.

XCII. And whereas captaine Henry Finch, late of Londonderry, deceaſed, in purſuance of a commiſſion from Sir William Parſons, and Sir John Bitlacy, ſometimes lords juſtices of Ireland, did in the month of November one thouſand ſix hundred and forty one, levy and arm a company of foot, conſiſting of one hundred men beſides officers, in the county of the city of Londonderry, and maintained the ſaid company for three years at his own charges, and continued in the command of the ſaid company againſt the rebells from the month of November one thouſand ſix hundred and forty one, until the month of October one thouſand ſix hundred and forty eight, and

Diſbanded in 1648 without ſatisfaction,

was then diſbanded without receiving any the leaſt ſatisfaction, and yet nevertheleſs the arrears due to the ſaid Henry Finch,

His arrears not ſtated, and why.

for his ſervice before the fifth of June one thouſand ſix hundred and forty nine, have not been caſt up, nor ſtated by the commiſſioners for execution of the ſaid former act, partly by reaſon of ſome doubt conceived that the ſaid company was not upon the eſtabliſhment of the Ulſter army, whereas in truth the ſaid company was received into the ſaid eſtabliſhment, though the order whereby the ſame ſhould be made appeare could not then be produced, and partly by reaſon of other accidents: be it therefore enacted by the authority aforeſaid, That the

His arrears to be ſtated before any diſtribution to the officers before 1649 and his adminiſtrators ſatisfied with the others, as if ſtated in time.

commiſſioners for execution of this act ſhall forthwith and before any diſtribution made of the houſes, lands, tenements, hereditaments or ſums of money herein before appointed for the ſecurity and ſatisfaction of ſuch commiſſioned officers as ſerved before the fifth of June one thouſand ſix hundred and forty nine, caſt up and ſtate the arrears, which were due to the ſaid Henry Finch deceaſed, for the ſervice aforeſaid, and that after the arrears ſo ſtated, William Finch and Henry Finch, ſons and adminiſtrators of the ſaid Henry Finch deceaſed, ſhall be ſatisfied and paid, and are hereby enabled to demand, and receive ſatisfaction equally and proportionably, having reſpect to the arrears ſtated, and in like manner as any other commiſſioned officer who ſerved before the fifth of June one thouſand ſix hundred and forty nine, and whoſe arrears are ſtated and allowed by the commiſſioners for execution of the ſaid former act, may or ought to be ſatisfied, and as fully and amply as if the arrears which were due to the ſaid Henry Finch deceaſed, had been ſtated and allowed within the time

limited by the ſaid former act; any thing in the ſaid former act, or this preſent act contained to the contrary notwithſtanding.

Several perſons intitled to ſatisfaction of arrears for ſervice as commiſſioned officers before fifth of June 1649, if ſtated in time.

XCIII. And whereas Alice counteſs dowager of Barimore would have been lawfully intituled unto the payment of and ſatisfaction for the ſeveral and reſpective arrears which were due unto David late earl of Barrimore her huſband, and to James Barry her ſon deceaſed, as commiſſioned officers, for ſervice done in Ireland before the fifth of June one thouſand ſix hundred and forty nine, if the ſame had been duely ſtated and allowed within the time limited by the ſaid former act; and whereas alſo Denny Muſchamp eſq; would have been lawfully intituled to the payment of and ſatisfaction for the arrears which were due to Agmondiſham Muſchamp eſq; his deceaſed father, as lieutenant of the ordnance in Munſter, and a commiſſioned officer for ſervice done in Ireland before the fifth of June one thouſand ſix hundred and forty nine, if the ſame had been duely ſtated and allowed within the time limited by the ſaid former act: and whereas alſo Sir Alexander Keith knight, would have been lawfully intituled to the payment of and ſatisfaction for the arrears due to lieutenant colonel George Keith, as a commiſſioned officer for ſervice done in Ireland before the fifth of June one thouſand ſix hundred and forty nine, if the ſame had been ſtated and allowed within the time limited as aforeſaid: and whereas alſo captain John Anneſley ſerved in Ireland as a commiſſioned officer before the fifth of June one thouſand ſix hundred and forty nine, and ought to be ſatisfied and paid the arrears due to him for ſuch ſervice, if the ſame had been timely ſtated and allowed as aforeſaid: and whereas alſo Margery Symmes, the relict of major John Symmes, would have been lawfully intitled to the payment of and ſatisfaction for the arrears which were due to the ſaid major John Symmes her deceaſed huſband, as a commiſſioned officer for ſervice done in Ireland before the fifth of June one thouſand ſix hundred and forty nine, if the ſame had been duely ſtated and allowed within the time limited by the ſaid former act: and whereas alſo colonel Robert Broughton and widow Cooper, late wife of Joſuah Cooper, major in Sir Foulke Hunks regiment, would have been lawfully intituled to the payment of and ſatisfaction for the arrears, which were due to them the ſaid Robert Broughton and Joſuah Cooper for ſervice done in Ireland, before the fifth of June one thouſand ſix hundred and forty nine, that is to ſay, from the twenty fourth of May one thouſand ſix hundred and forty two, until the twenty ſixth of January one thouſand ſix hundred and forty three, if the ſame had been duely

Lord Barrimore and James Barry,

Agmondiſham Muſchamp,

Sir Alexander Keith,

John Symmes,

Robert Broughton, Joſhua Cooper,

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ſtated ſo far, and allowed within the time limited by the ſaid act: and whereas Horatia Woodhouſe, brother and adminiſtrator of Sir Michael Woodhouſe, would have been lawfully intituled unto the payment of and ſatisfaction for the arrears which were due to him the ſaid Sir Michael Woodhouſe, for ſervice done in Ireland, as a commiſſioned officer before the fifth of June one thouſand ſix hundred forty nine, if the ſame had been duely ſtated and allowed within the time limited by the ſaid act; which ſeveral arrears could not be ſtated or allowed within the time limited by the ſaid former act for ſtating arrears, by reaſon that the commiſſioners for execution of the ſaid former act was ſtreightned in time when they entred upon that work, and by reaſon of ſome other accidents which did intervene; be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith, and before any diſtribution made of the ſecurities ſet apart for the ſatisfaction of the commiſſioned officers who ſerved before the fifth of June one thouſand ſix hundred and forty nine, caſt up and ſtate the reſpective arrears which were due to David late earl of Barrimore, James Barry, Agmondiſham Muſchamp, and lieutenant colonel George Keith, and captain John Anneſly, Major John Symmes, colonel Robert Broughton, and Joſuah Cooper, and Sir Michael Woodhouſe, for ſervice as aforeſaid; and after the arrear ſo ſtated, the ſaid Alice counteſs of Barrymore, Denny Muſchamp, and Sir Alexander Keith, captain John Anneſly, Margery Symmes, colonel Robert Broughton and widow Cooper, and Horatio Woodhouſe, reſpectively ſhall be ſatisfied and paid for all and every the reſpective arrears, to which they are mentioned to be intitled as aforeſaid, as fully, amply, and in like proportion and manner as any other commiſſioned officer, who ſerved before the fifth of June one thouſand ſix hundred and forty nine, ought to be, and as if the ſaid reſpective arrears had been ſtated and allowed within the time limited by the ſaid former act; any thing in this or the ſaid former act to the contrary notwithſtanding.

Sir Michael Woodhouſe,

Not ſtated by reaſon of commiſſioners being ſtreightened in time, &c.

Said arrears ſhall be caſt up and ſatisfied with the other officers.

XCIV. Provided alwayes, and be it enacted, That all and ſingular the lands, tenements and hereditaments in the barony of Imokelly in the county of Cork, granted or mentioned to be granted by his Majeſtie in and by certain letters patents under the great Seale of Ireland, bearing date

unto Sir Henry Tint, deceaſed, which have not been decreed away by the commiſſioners for the execution of the ſaid former act, ſhall be held and enjoyed by the lady Mable Tint, relict of the ſaid Sir Henry Tint, for and during her life, and after her deceaſe, by the ſon and heir of the ſaid Sir Henry Tint,

Grant of lands in Cork by letters pat. to Sir Henry Tint confirmed, where not decreed away.

Tint, and his heirs, during the eſtate granted by the ſaid letters patents; and that where any of the lands in the ſaid letters patents mentioned have been evicted, or hereafter ſhall be evicted, by virtue of any decrees made by the ſaid commiſſioners, it ſhall and may be lawful to and for the lord lieutenant, or other chief governour or governours and councill there for the time being, to make and order ſuch proportionable defalcation of the rent reſerved in and by the ſaid letters patents, as they in their judgement ſhall think fit; and ſuch order of defalcation enrolled in his Majeſties court of Exchequer, ſhall be as good and effectual as if it had been enacted by theſe preſents; any thing in the ſaid letters patents, or this act to the contrary notwithſtanding.

if any eviction, a proportionable defalcation of rent reſerved, by order of chief governor and council, inrolled in Exchequer.

XCVI. Provided alſo and be it enacted, That Francis Lye of Rathbride, eſq; ſon of John Lye deceaſed, ſhall hold and enjoy to him and his heirs, all and ſingular the lands, tenements and hereditaments, ſituate in the county of Kildare, or elſewhere in the kingdom of Ireland, granted or mentioned to be granted in and by certain letters patents under the great ſeale of Ireland, bearing date the tenth day of May in the fifteenth year of his Majeſties reign, and not ſince decreed away by the commiſſioners for execution of the ſaid former act, in as full and ample manner as in and by the ſaid letters patents is mentioned; any thing in this or the ſaid former act to the contrary notwithſtanding.

Francis Lye's patent in Kildare confirmed, not decreed away.

XCVII. And whereas Nicholas lord vice-count Nettervill, who claimed an eſtate taile to him and the heirs males of his body of and in certain lands in Ireland, was by the commiſſioners for execution of the ſaid former act adjudged innocent, but the younger brothers and ſiſters of the ſaid lord vice-count have by the judgment and decree of the ſaid commiſſioners recovered their ſeveral and reſpective remainders expectant upon the death of the ſaid lord vice-count without iſſue male, and alſo their ſeveral and reſpective portions, chargeable on the eſtate of the ſaid lord vice-count, and by reaſon thereof were entituled to the preſent poſſeſſion of the ſaid eſtate, in order to the ſatisfaction of their reſpective portions, and when the ſaid portions ſhould be ſatisfied, Edward Smith, eſq; Sir Courtney Pool, baronet, and other the perſons intituled to the ſaid eſtate, ſo long as the ſaid lord vice-count ſhall have iſſue male of his body, were ſtill to continue their poſſeſſion; nevertheleſs his Majeſtie being deſirous that all juſt intereſts ſhould be provided for, and being willing to extend his mercy unto the ſaid Nicholas lord vice-count Nettervill, as far as may ſtand with his juſtice, is graciouſly pleaſed that it may be enacted, and be it enacted by the authority aforeſaid, that the commiſſioners for execution of this act doe forth-

Lord Nettervill adjudged innocent, reſtored to his lands, after ſetting out two thirds to Edward Smith and others,

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with ſet out unto the ſaid Edward Smith, eſq; Sir Courtney Pool, baronet, and other the perſons intitled to the lands of the ſaid lord vice-count, their heirs and aſſigns, their ſeveral and reſpective two third parts, which by the rules of this act they ought to have, and after ſuch two third parts ſet out, ſhall reſtore the ſaid lord vice-count Nettervill unto the poſſeſſion of all and ſingular the mannors, caſtles, lands, tenements, reverſions, remainders and all other hereditaments, right, title and intereſt whatſoever in the ſaid kingdom of Ireland, with his deceaſed father and grandfather, or either of them, or any other perſon or perſons in truſt for them or either of them, or to their or either of their uſe or uſes, or any other or others to whom he may or can derive as heir, or otherwiſe had, held or enjoyed, or of right ought to have held or enjoyed on the twenty ſecond of October one thouſand ſix hundred forty and one, (rectories and parſonages, impropriated and appropriate tythes excepted) and that the ſaid lord-vicecount ſhall hold and enjoy all and ſingular the lands, tenements and hereditaments ſo reſtored, according to ſuch eſtate, right and title as he ought to have had in the ſame, in caſe he had been adjudged innocent, and no other; and alſo ſhall be, and is hereby reſtored in blood to all intents and purpoſes; any thing in this preſent act or the ſaid former act, or any other act, law, ſtatute, ordinance, order, outlary, attainder, record, proviſion, ſequeſtration, diſtribution, allotment, judgment, conviction or decree, or any other matter, clauſe, or thing to the contrary notwithſtanding.

Rectories, impropriations, &c. excepted,

and reſtored in blood.

In the clauſes veſting eſtates in perſons particularly named, the right of all thoſe not particularly barred, ſaved.

XCVIII. And becauſe the eſtate, right, and inheritance of in and unto ſeveral lands, tenements and hereditaments is by ſeveral clauſes in this act veſted and ſettled in, or otherwiſe diſpoſed of unto ſeveral perſons in the ſaid ſeveral and reſpective clauſes particularly named and mentioned, whereby great prejudice may ariſe unto others, whoſe right was not intended to be barred or extinguiſhed, if a timely remedy be not provided: be it therefore enacted by the authority aforeſaid, That in all and every ſuch clauſes it ſhall be underſtood, and ſo is hereby declared, that all the right, title and intereſt, either in law or equity, which any perſon or perſons, body politick or corporate, their heirs, executors, ſucceſſors or aſſigns, or any of them had on the two and twentieth day of October one thouſand ſix hundred forty and one, or at any time ſince, other than his Majeſtie, his heirs and ſucceſſors, and thoſe who ſhall or may claim by, from, or under his Majeſtie, his heirs and ſucceſſors or any of them, by vertue of this or the ſaid former act, and other than ſuch perſon or perſons, bodies politick or corporate, their heirs, executors, ſucceſſors and aſſigns, whoſe right is particularly mentioned

tioned to be barred and excluded, ſhall be and is hereby preſerved unto them, their heirs, executors, ſucceſſors and aſſings reſpectively, as fully and amply as if a particular ſaving of rights had been annexed to and repeated in every ſuch clauſe; any thing in this act contained to the contrary notwithſtanding.

Clauſe in former act deducting fractions of odd money and acres, and reſerving ſatisfaction thereof to the King, repealed.

XCIX. And whereas in and by the ſaid former act, the fractions of odd pounds, ſhillings and pence, were to be ſtruck off and deducted out of all ſums of money, debentures, certificates or decrees for arrears, adventures, publick debts, reprizes, or other allowed intereſts, which according to the ſaid act were to be aſcertained, ſtated or ſettled, and the fractions of odd acres, roods, and perches were alſo to be deducted out of the reſpective proportions of lands, which ſhould be granted or ſettled in ſatisfaction of any of the aforeſaid intereſts, ſo as ſuch deductions did not exceed the hundred part of the money or lands out of which ſuch deductions were to be made; which deductions were appointed to be ſatisfied as intirely as might be, in ſuch convenient proportions and places as the chief governour or governours of Ireland for the time being ſhould appoint, and reſerved to be diſpoſed to ſuch uſes as his Majeſtie, his heirs or ſucceſſors, ſhould appoint: his Majeſtie is graciouſly pleaſed that it may may be enacted, and be it enacted by the authority aforeſaid, That no fractions of odd pounds, ſhillings or pence, or of odd acres, roods or perches, or any ſatisfaction for the ſame, be at any time hereafter made or given unto his Majeſtie, his heirs or ſucceſſors, or unto any other perſon or perſons claiming the benefit thereof by virtue of any patent, grant, or other aſſignment from his Majeſtie, but that the ſame be for ever releaſed and diſcharged; and that all and every the clauſes in the ſaid former act touching and concerning the giving or reſerving ſuch fractions, and the ſatisfaction thereof unto his Majeſtie, his heirs and ſucceſſors, ſhall be and are hereby repealed and made void, to all intents and purpoſes, as if the ſame had never been had nor made; any thing in this or the ſaid former act to the contrary notwithſtanding.

One penny *per* acre reſerved to Sir William Petty for his ſurvey, ſhall be ſatisfied, and warrants iſſued by chief governors and council to levy ſo much as not paid by diſtreſs and ſale,

C. And whereas the ſurvey and admeaſurement of certain lands in Ireland was heretofore undertaken and finiſhed by Sir William Petty, knight, upon an agreement made with the ſouldiers to have for his pains one penny for every acre ſo ſurveyed and admeaſured as aforeſaid, whereof part hath been already paid, and ſome doth ſtill remain in arrear; to the end therefore that ſatisfaction be made to Sir William Petty for what remains unpaid by the ſouldiers, their heirs or aſſigns, and for his better encouragement to finiſh the ſeveral maps and deſcriptions

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criptions of this kingdom, be it further enacted by the authority aforeſaid, that the lord lieutenant, or other chief governour or governours of Ireland for the time being, with any ſix or more of his Majeſtie's privy council, ſhall have power to examine how much of the ſaid penny the acre hath been already paid, and for what lands, and how much thereof remains behind and unpaid, and to give order or orders, warrant or warrants, for the levying and receiving one penny *per* acre out of all the lands in the admeaſurement whereof he was imployed, that have been or ſhall be appointed to be ſet out for ſatisfaction of arrears, out of which ſuch acrige was agreed or ought in juſtice to be paid, and hath not been already paid, and to give ſuch further encouragement to the ſaid Sir William, for the finiſhing of the ſaid maps, as they ſhall think fit; and that it ſhall and may be lawfull to and for Sir William Petty, his executors, adminiſtrators or aſſignes, from time to time, as often as any ſuch order or warrant ſhall be made, to enter into all and every the lands in ſuch order or warrant mentioned, and to levy the reſpective ſums therein appointed to be paid, not exceeding one penny the acre, by diſtreſs and ſale of ſuch diſtreſs as ſhall there be found belonging to the occupiers of the ſaid lands, returning the overplus, and whatſoever the tenants or occupiers of the lands ſhall pay, or ſhall otherwiſe be levied upon them as aforeſaid, not exceeding one penny the acre, ſhall and may be deducted out of the rents by them reſpectively payable, and for ſo much they and every of them ſhall be and are hereby diſcharged againſt their ſeverall and reſpective landlords.

tenants to deduct the ſame out of their rents.

So much of the clauſe giving lord Kildare preemption of forfeitures held of and intermixed with his eſtate, or appointing ſatisfaction for his perſonal arrears, repealed,

CI. And becauſe the ſettlement now intended, and endeavoured to be perfected, would be very much obſtructed if the heirs or aſſigns of Wentworth late earl of Kildare ſhould hold and enjoy the full benefit of a certain clauſe in the ſaid former act contained, whereby the preemption of all forfeited eſtates and intereſts held of or from Wentworth earl of Kildare, or George earl of Kildare, or either of them, and of all other lands lying intermixt with the ſaid earl of Kildare's eſtate, is given to the ſaid Wentworth late earl of Kildare, his heirs and aſſigns; and further the arrears due to George earl of Kildare for ſervice before the fifth of June one thouſand ſix hundred forty and nine, were appointed to be ſatisfied in the county of Kildare, and elſewhere lying moſt convenient to the ſaid earl of Kildare's eſtate, as the ſaid Wentworth late earl of Kildare ſhould make choice of: be it therefore enacted by the authority aforeſaid, that ſo much of the ſaid clauſe as concerns the preemption of forfeited eſtates and intereſts held of and intermixt with the earl of Kildare's grant as aforeſaid, or appoints the ſatisfaction of perſonal

arrears for ſervice to be within the county of Kildare, or elſewhere at election as aforeſaid, ſhall be and is hereby repealed; which arrears of the ſaid George earl of Kildare, now belonging to Sir James Shaen, knight and baronet, adminiſtrator of the ſaid George earl of Kildare are to be ſatisfied, as in and by another clauſe herein after following, and providing for the ſatisfaction of the intereſts of the ſaid Sir James Shaen, is declared; and that in lieu and ſatisfaction of thoſe priviledges and advantages in and by the ſaid clauſe given or intended to be given, the commiſſioners for execution of this act ſhall forthwith ſet out, or cauſe to be ſet out, unto John now earl of Kildare and his heirs, ſo much undiſpoſed forfeited lands as ſhall be of the cleer yearly value of five hundred pounds *per annum*, over and above all charges and reprizes, and therein ſhall take care that the ſame may be ſet out as neer unto the ſaid earl's eſtate, and as contiguous to the lordſhip of Kilka in the county of Kildare, as the ſame can conveniently be done; and after ſuch allotment and ſetting forth, the ſame ſhall be granted by letters patents under the great ſeal of Ireland unto John earl of Kildare, and the heirs male of his body, and for want of ſuch iſſue to remain and be to Robert Fitz Gerald, eſq; uncle of the ſaid John earl of Kildare, and the heires males of his body, and for default of ſuch iſſue, to the right heirs of Wentworth late earl of Kildare for ever; ſubject nevertheleſs to the payment, reimburſement, and diſcharge in the firſt place of all ſuch ſum and ſums of money, with intereſt for the ſame, as upon any contract or bargain heretofore made by the ſaid Wentworth late earl of Kildare, touching the benefit of the ſaid former proviſo, or touching the benefit of any part thereof, have been paid unto the ſaid late earl, or ſhall be paid hereafter to ſuch contractors during the minority of the ſaid John earl of Kildare, and lyable alſo to ſuch other charges and payments as ſhall be neceſſarily made and diſburſed in and for the ſettling and ſecuring the premiſſes; and that the letters patents, ſo as aforeſaid to be granted, ſhall be of like force and effect as any other letters patents herein before appointed to be granted are or ought to be.

Sir James Shaen his adminiſtrator ſatisfied ſaid arrears as hereafter, and in lieu of ſaid priviledges 500l. *per annum* to be ſet out of undiſpoſed forfeitures,

as near as may be to lordſhip of Kilka in Kildare, and ſettled by letters patent.

Subject to repayment of money with intereſt paid on contracts with late lord Kildare, and other neceſſary diſburſements.

CII. Provided always, and be it enacted by the authority aforeſaid, That out of the eſtates of John Fitz-Gerald, John Magill and Geoffrey Fanning, before by this act veſted in his Majeſtie, his heirs and ſucceſſors, it ſhall and may be lawful for the lord lieutenant, or other chief governours of Ireland, to reſtore unto and ſettle upon them and their heirs reſpectively ſuch part or parts of the ſaid reſpective eſtates as they ſhall think fit.

John Fitzgerald, John Magil, and Geoffry Fanning to be reſtored to ſuch part of their eſtates as chief governor ſhall think fit.

CIII. Provided alſo, and be it further enacted by the authority aforeſaid, That Sir John Stephens, knight, governour of

Sir John Stephens to have Sir Brice Coghran's

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his Majeſtie's Caſtle of Dublin, ſhall and may have, hold and enjoy to him, his executors and aſſigns, all and every the lands, tenements and hereditaments in the county of Cork, which at any time were reputed to belong to Sir Brice Coghran, by colour of any grants or gifts of the late uſurped powers, and which are or have been poſſeſſed by the ſaid Sir John Stephens, by virtue of letters patents under the great ſeal or otherwiſe, for and during ſuch time and term of years, and under ſuch rents onely as in the ſaid letters patents are expreſſed, and no other, ſo as he the ſaid Sir John Stephens do place or cauſe to be placed upon ſo much of the premiſſes as ſhall be found to be within the ſecurities ſet apart for ſatisfaction of the commiſſioned officers who ſerved before the fifth of June one thouſand ſix hundred forty and nine, ſo much of the ſtated arrears due to ſuch officers which are ſatisfiable, and for which no ſatisfaction hath yet been given, as the value of the premiſſes may amount unto; any thing in this or the ſaid former act to the contrary notwithſtanding.

lands in Cork as in his letters patent,

placing thereon ſo much of the ſtated arrears due to officers before 1649, for which no ſatisfaction yet given, as the value of the premiſes may amount to.

CIV. And be it further enacted by the authority aforeſaid, That all and ſingular the moneys, which by virtue of this or the ſaid former act ſhall or may grow due unto his Majeſtie for or in reſpect of the meaſne profits of thoſe lands which have been ſet out and received in ſatisfaction of any arrears for ſervice done in England, commonly called Engliſh arrears, or for or in reſpect of the meaſne profits of thoſe lands which have been ſet out to any perſon or perſons in ſatisfaction of any adventurers upon the ordinances, commonly called the doubling ordinances, or for or in reſpect of any other meaſne profits which by this act are made due and payable unto his Majeſtie, as being received out of lands ſet out in ſatisfaction of intereſts not ſatisfiable by this or the ſaid former act, and alſo all and every the ſums of money now due unto his Majeſtie, which any perſon or perſons tranſplanted into Connaught, and ſince reſtored, or hereafter to be reſtored, to his former eſtate, did or might have received upon the ſale of the lands in Connaught, to which he or they were tranſplanted, ſhall be paid unto the receivers herein after conſtituted and appointed; who ſhall account for and pay the ſame over unto Arthur earl of Angleſey, vice-treaſurer of Ireland, or to the vice-treaſurer of Ireland for the time being, and that the ſaid Arthur earl of Angleſey, or the vice-treaſurer of Ireland for the time being, ſhall thereout iſſue and pay theſe ſeveral ſums following: that is to ſay, to Morough earl of Inchequin, the full ſum of eight thouſand pounds *ſterling*, as a marke of his Majeſtie's favourable and gracious conſideration of the loſſes and ſufferings of the ſaid earl; to John lord Berkeley, the ſum of four thouſand pounds; to Charles lord vice-count Fitz-Hard-

Money due to the King for meſne profits of lands ſet out in ſatisfaction of intereſts not ſatisfiable,

and for ſale of lands in Connaught, by tranſplanted perſons ſince reſtored,

ſhall be paid to vice-treaſurer,

who ſhall pay thereout to lord Inchiquin 8000l. in conſideration of his ſufferings,

to lord Berkely 4000l.

ing, treaſurer of his Majeſtie's houſhold, the ſum of two thouſand pounds; to Henry Coventrey, eſq; groom of his Majeſtie's bedchamber, the ſum of two thouſand pounds; to colonel William Legg the like ſum of two thouſand pounds; in full ſatisfaction of all the right and intereſt which they the ſaid Henry Coventrey or William Legg can or may have of, in, or to any fractions of odd acres, pounds, ſhillings or pence, in or by the ſaid former act reſerved to his Majeſtie, and by this preſent act releaſed and diſcharged as aforeſaid; to colonel Edward Villiers, the ſum of one thouſand pounds; to Elizabeth Terrill, the wife of Sir Tymothy Terrill, the ſum of three thouſand pounds; to colonel Marmaduke Darcy, the ſum of three thouſand pounds; to Sir Connel Farrell, the ſum of two thouſand pounds; to colonel Daniel Treſwel, captain of his Majeſtie's guard of battle axes, the ſum of one thouſand pounds; Sir William Armorer, the ſum of five hundred pounds; Nicholas Bayly, eſq; the ſum of two thouſand pounds; Thomas Lynch, the ſum of one thouſand pounds: and if any more moneys ſhall ariſe out of the premiſſes than will be ſufficient to diſcharge the reſpective ſums herein before mentioned, the ſame ſhall remain in his Majeſtie's Exchequer at Dublin, to be further applied and diſpoſed as his Majeſtie being informed thereof ſhall direct and appoint.

Lord Fitzharding 2000l. H. Coventry and Wm. Leg 2000l. each for their right to fractions. Ed. Villiers 1000l. Eliz. Terril 3000l. Marm. Darcy 3000l. Sir Connel Farrel 2000l. Dan. Treſwel 1000l. Sir Wm Armorer 500l. Nich. Bayley 1000l. Thomas Lynch 1000l. Reſidue into the Exchequer.

CV. And whereas the towns and lands of Shamaclone, Garonſbury, Garrane, Liſhanacone, Ballifoukin, Ballimoran, Balliwill in the barony of Conello and county of Limerick, and alſo fifteen hundred acres in Garundeny in the barony of Slewmargye in the Queen's county, were allotted to Charles Lloyd, eſq; now Sir Charles Lloyd, baron: as an adventurer for lands in Ireland, the rents, iſſues and profits of which lands have notwithſtanding by Samuel Avery and other adventurers been wrongfully received, or in the hands of the tenants of the ſaid lands detained: be it therefore enacted, and it is enacted by this preſent Parliament, That the ſaid Sir Charles Lloyd, ſhall have, receive and recover all and ſingular the rents, iſſues and profits of the ſaid lands, remaining in the hands of the reſpective tenants thereof, or in the hands of their executors or adminiſtrators, which have grown due ſince the lands were allotted as aforeſaid; any thing in this preſent act, or in any other act of Parliament contained to the contrary in any wiſe notwithſtanding.

Sir Charles Lloyd to recover rents of lands allotted to him in Limerick and Queen's county.

CVI. And it is hereby further enacted and ordained by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith reſtore Sir Richard Bellings, knight, unto the preſent and actual poſſeſſions of all and ſingular the mannors, caſtles, lordſhips, lands tenements, reverſions, remainders, and all other hereditaments, intereſts, conditions, pow-

Sir Richard Bellings reſtored.

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ers of redemption, right and title whatsoever in the said kingdom of Ireland, which Sir Henry Bellings, knight, grandfather to the said Sir Richard Bellings, and Richard Bellings father of the said Sir Richard Bellings, or either of them, or any other person or persons in trust for them or either of them, or to their or either of their use or uses, had, held or enjoyed, or of right ought to have held or enjoyed, on the twenty second day of October one thousand six hundred forty and one; and that from and after such restitution as aforesaid, the same shall be granted by letters patents, and settled upon and confirmed unto the said Sir Richard Bellings, the grandson, and his heirs and assigns for ever; this present or any other act, ordinances, order, outlary, attainder, record, or any other matter, cause or thing to the contrary notwithstanding.

Lord Kingston to have benefit of former act confirmed,

CVII. Provided always, and be it enacted by the authority aforesaid, That John Lord Kingston shall hold and enjoy to him and his heirs for ever all and every the lands, tenements and hereditaments in the said former act ratified and confirmed unto him, and all other the benefits and advantages of the said act (the lands decreed away by the commissioners, and the full benefit of reprizals, and the lands herein granted or confirmed unto Charles lord vice-count Fitz Harding, formerly granted to Charles the late lord vice-count Fitz Harding, earl of Falmouth, onely excepted) as fully and amply, and with the like confirmations, privileges, immunities and exemptions, as any adventurer or souldier by this or the said former act may or ought to hold and enjoy any of the lands, whereof they or any of them respectively were possessed the seventh day of May one thousand six hundred and fifty nine, and as if the several clauses and provisoes in the said former act on that behalf had been in this act particularly recited and enacted; and shall also have, hold and enjoy to him and his heirs for ever, all and every the towns, lands, tenements and hereditaments given, granted and confirmed, or mentioned to be given, granted and confirmed unto him, in and by his Majestie's letters patents under the great seal of England, bearing date at Westminster the five and twentieth day of January in the sixteenth year of his Majestie's raign; and that the said letters patents, and all clauses and things therein contained, shall be and are hereby ratified and confirmed, and shall be taken most beneficially to and on the behalf of him the said lord Kingston, his heirs and assignes, according to the tenor and purport thereof, to all intents and purposes, and as if the same letters patents, and every clause therein, had been in this act fully and at large recited and particularly enacted: but in case the lands in the said letters patents mentioned, which shall be possessed and enjoyed by the said lord Kingston,

Except lands decreed away, and benefit of reprisals, and lands confirmed to lord Fitzharding.

His letters patents 16 C. 2. confirmed.

if his lands therein exceed 700l. *per annum*, and two thirds of the

Kingſton, and not recovered or granted away from him by this or the ſaid former act, ſhall exceed the preſent cleer yearly rent of ſeven hundred pounds, and two full third parts of all the lands recovered againſt him the ſaid lord Kingſton, by any decrees herein confirmed, then ſuch overplus ſhall be reconveyed to ſuch as the commiſſioners for execution of this act ſhall appoint.

lands recovered againſt him, overplus to be reconveyed,

CVIII. And be it alſo enacted, in caſe the ſaid lands ſhall not be ſufficient, that then the commiſſioners, or ſuch perſon or perſons as are or ſhall be appointed for execution of this act, doe and ſhall forthwith cauſe to be ſet out and delivered unto him the ſaid lord Kingſton, his heirs and aſſignes, ſo much more other lands, tenements and hereditaments in the counties of Cork, Limerick, and Tipperary, which by virtue of this act ſhall or may be retrenched from any adventurers, ſouldiers, their heirs, executors or aſſignes, or of other forfeited lands within the ſaid counties, or within the counties of Dublin and Kildare, or ſome of them, as together with the lands in the ſaid letters patents granted, or mentioned to be granted, to him as aforeſaid, and as ſhall be poſſeſſed and enjoyed by him, and not recovered or granted away from him by this or the ſaid former act, are of the ſaid preſent cleer yearly rent of ſeven hundred pounds, and as over and above the ſaid yearly rent are equal in value, worth and purchaſe, unto two full third parts of all the lands recovered againſt him by virtue of any decrees herein confirmed, or that have been delivered up or parted with to William lord vice-count Dungannon, and others, in obſervance of his Majeſties letters, to the end that like effectuall letters patents may thereof alſo be granted unto the ſaid John lord Kingſton and his heirs, as are herein before appointed to be granted to other adventurers and ſouldiers of reſpective allotments; any matter or thing whatſoever in this or the ſaid former act, or any other act contained otherwiſe to the contrary in any wiſe notwithſtanding; ſaving unto Charles lord vice-count Fitz Harding and his heirs, ſuch right and title in and to any of the premiſſes, as he or they can or may claim by virtue of any letters patents thereof granted unto Charles late lord vice-count Fitz Harding, after earl of Falmouth, by his Majeſtie; any thing herein before contained to the contrary notwithſtanding.

If deficient, to be made up.

That effectual letters patents may be granted to him, as to other adventurers, &c.

Saving to lord Fitzharding his right by letters patents.

CIX. Provided always, and be it further enacted by the authority aforeſaid, That Sir John Percival, baronet, his executors, adminiſtrators and aſſignes, ſhall and may hold, poſſeſs and enjoy the town and lands of Kinſale in the county of Dublin, for the term of ſixty one years from the firſt day of May one thouſand ſix hundred and ſixty three, according to the tenor and full effect of an indenture of leaſe under the great ſeal of Ireland, to him

Sir John Percival to enjoy lands in Dublin for 61 years, according to leaſe under great ſeal.

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thereof made, and under the rents, covenants and conditions thereby reſerved, expreſſed and limited; any thing in the laſt precedent clauſe or in this preſent or any other act to the contrary thereof in any wiſe notwithſtanding.

Lord Kingſton's grant not to enable him to hold lands within the ſecurity for officers before 1649,

CX. Provided alſo, that nothing in this act, or the letters patents granted to the ſaid lord Kingſton, ſhall enable him the ſaid lord Kingſton, his heirs or aſſignes, to hold or enjoy any mannors, lands or tenements, lying or being within the ſecurities ſet apart for ſatisfaction of the commiſſioned officers who ſerved before the fifth of June one thouſand ſix hundred and forty nine,

unleſs he places thereon debentures for their arrears, after rate of eight year's purchaſe.

unleſs he the ſaid lord Kingſton, his heirs or aſſignes, ſhall cauſe ſo many debentures for arrears due to the ſaid commiſſioned officers, as are ſatisfiable by the rules of this act, and have not been ſatisfied in part, to be placed thereupon, as after the rate of eight years purchaſe may be ſufficient to purchaſe the premiſes; any thing herein before contained to the contrary notwithſtanding.

Daniel O Brien reſtored, without previous repriſal.

CXI. And be it further enacted by the authority aforeſaid, That all and ſingular the meſſuages, caſtles, mannors, lands, tenements, and other the hereditaments whereof Sir Daniel O Bryen, now Daniel lord vice-count O Bryen of Clare, or his brother Tige O Bryen, eſq; or Connor O Bryen, eſq; ſon and heir apparent to the ſaid lord vice-count, or Morough O Bryen, one other of the ſons of the ſaid vice-count O Bryen, or any other perſon or perſons whatſoever to their or any of their uſe, or in truſt for them, or any of them, were upon the two and twentieth day of October one thouſand ſix hundred and forty one lawfully ſeized of any eſtate of freehold or inheritance, or poſſeſt for any term of years yet in being, as alſo one ſtone houſe in the city of Limerick (impropriations and appropriated tithes excepted) ſhall be by the commiſſioners for execution of this act ſet out and allotted unto and placed in the preſent and actual poſſeſſion of Daniel O Bryen, eſq; ſon and heir apparent of the ſaid Connor O Bryen, and the heirs and executors of the ſaid Daniel O Brien reſpectively, without and before any previous repriſal; any clauſe, matter or thing in the ſaid former act, or in this preſent act herein before or after contained to the contrary notwithſtanding; and that the commiſſioners for execution of this act, ſhall grant unto the ſaid Daniel O Bryen ſuch certificates as may be neceſſary in order to the paſſing of letters patents of the premiſſes; and further, that until ſuch final ſettlement and allotment as aforeſaid, it ſhall and may be lawful to and for the ſaid Daniel O Bryen to enter upon and retaine and keep poſſeſſion of the premiſſes; and all and every the adventurers and ſouldiers, proteſtant purchaſers of lands in Connaught or Clare,

Certificates for paſſing letters patents to be granted to him.

Till final ſettlement, he may enter and retain.

and

and commiſſioned officers who ſerved before the fifth of June one thouſand ſix hundred and forty nine, their heirs, executors, adminiſtrators and aſſignes, who ſhall be removed to make way for ſuch reſtitution, or be prejudiced thereby, ſhall, after ſuch reſtitution made, be ſatisfied by the allotment of ſome other forfeited and undiſpoſed lands, as may be equal to their ſeveral and reſpective two full third parts of what they depart from, or may be prejudiced in, according to the rules of this act; and all and every the perſons tranſplanted into and upon any part of the premiſſes, their heirs and aſſignes, ſhall have full ſatisfaction out of the forfeited lands undiſpoſed of to the Engliſh proteſtants, as the lord lieutenant and council of Ireland ſhall think fit, after the ſeveral intereſts of his Majeſties proteſtant ſubjects in Ireland have been fully ſettled and ſatisfied according to this act.

Perſons thereby removed or prejudiced, to be ſatisfied in other lands.

CXII. Provided alwayes, and it is further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall reſtore James Fleming of Staholmock, eſq; unto all the lordſhips, caſtles, houſes, lands, tenements, rents, reverſions, remainders, hereditaments, right, title, intereſt and eſtate whatſoever, whereof the ſaid James Fleming, or any others in truſt for him, or to his uſe, were ſeiſed or poſſeſſed the three and twentieth of October one thouſand ſix hundred and forty one; and that after ſuch reſtitution, the ſaid James Fleming ſhall hold and enjoy the ſame to him and his heirs; this act or any other act, record, outlawry, attainder, or any other matter or thing to the contrary notwithſtanding.

James Fleming reſtored.

CXIII. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act, ſhall reſtore unto captain Charles Farrell, all and ſingular the lands, tenements and hereditaments in the county of Longford, whereof he the ſaid Charles Farrell, or his father, or any other in truſt for them, or either of them, were ſeized upon the two and twentieth day of October one thouſand ſix hundred and forty one, or at any time ſince; and that after ſuch reſtitution made, the ſaid Charles Farrel ſhall hold and enjoy the ſame to him and his heirs; ſubject nevertheleſs to the quit-rents by this or the former act impoſed, and lyable to all and ſingular the ſtatutes, mortgages, debts, charges, and all other the acts and incumbrances whatſoever of him the ſaid Charles Farrel, or his father; any thing in this or the ſaid former act to the contrary notwithſtanding.

Charles Farrell reſtored in Longford.

Subject to quit-rents and incumbrances.

CXIV. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall, out of ſuch forfeited lands as ſhall remain undiſpoſed, after all the Engliſh intereſts herein provided for ſhall be ſatisfied, ſet out and allot unto Frances Darcy, widow, ſo much land as ſhall be of

Frances Darcy ſatisfied (after all Engliſh intereſts) for her jointure.

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like yearly value as the lands which ſhe the ſaid Frances Darcy formerly held, or ought to have held for her jointure, to be held and enjoyed by the ſaid Frances Darcy during her life; any thing herein contained to the contrary notwithſtanding.

4500*l.* arrears ſtated to be due to lord Ranelagh before 1649, to be paid in truſt for his daughters.

CXV. And be it further enacted by the authority aforeſaid, That the ſum of four thouſand five hundred pounds due for ſervice done in Ireland, before the fifth of June one thouſand ſix hundred and forty nine, unto Arthur lord vice-count Ranelagh, by debentures already ſtated and allowed by the commiſſioners for execution of the ſaid former act, ſhall be paid and ſatisfied out of the ſecurities thereunto lyable by this preſent act unto Richard earl of Burlington and Cork, lord high treaſurer of Ireland, Arthur earl of Angleſey, Roger earl of Orrery, and Sir John Skeffington baronet, and the ſurvivors and ſurvivor of them, and that they and the ſurvivors and ſurvivor of them, and the heirs of the ſurvivor, ſhall have, hold, receive and enjoy to his and their heirs, all and ſingular the mannors, lands, tenements and hereditaments, and all other the ſatisfaction whatſoever, or of what nature or kind ſoever, which ſhall or may be hereafter appointed, allotted, or otherwayes ſet out and aſſigned for the ſatisfaction of the ſaid four thouſand five hundred pounds; nevertheleſs in truſt to and for the only uſe, benefit and advantage of Frances Jones and Elizabeth Jones, daughters of the ſaid Arthur lord vice-count Ranelagh, their executors and aſſignes, and to and for no other uſe, intent or purpoſe whatſoever; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Forfeited leaſes not above three lives or 31 years on 23d October 1641, the next reverſion or remainder belonging to innocent proteſtant, ſhall ceaſe.

CXVI. Provided alwayes, and be it further enacted, That all leaſes, terms and eſtates, which upon the twenty third of October one thouſand ſix hundred and forty one did not exceed three lives or thirty one years, and are forfeited to or veſted in his Majeſtie, whereof or whereupon the next and immediate reverſion or remainder doth or ſhall appertain to any innocent proteſtant, be and are hereby declared to be ceaſed, determined, null and void; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Not to prejudice any right of Lau. Hide by incumbrance on lands in Tipperary.

CXVII. Provided alwayes, and be it enacted, That nothing in this preſent act, nor in the former act, ſhall be taken or any wayes conſtrued to weaken or make void all or any of the right, title and claim which Laurence Hide of Henton Dawbney in the county of Southampton, eſq; hath by virtue of any ſtatute-ſtaple, mortgage or otherwiſe, unto the towns and town lands of Ballihenukin, Knockanammy, and part of Chancellors-town in the barony of Iffa and Offa, and the lands of Quarter-croſs, parcel of the town and lands of Clare, nor unto two acres great

countrey meaſure in Burdens-Grange in the barony of Middlethird, in all containing about eight hundred acres, lying and being in the county of Tipperary; but that it ſhall and may be lawfull to and for the commiſſioners for execution of this act, to examine the right and title of him the ſaid Laurence Hide of, in, and to the ſaid lands and tenements, or to any ſum of money which can or may be levied thereupon, and to make ſuch order and decree for the ſaid Laurence Hide or his aſſigns, to hold and enjoy all and ſingular the premiſſes, untill he or they ſhall be fully ſatisfied and paid the moneys to him due as aforeſaid, together with what intereſt ſhall be due for the ſame, as they ſhall think fit; any thing in this act or in any former act to the contrary notwithſtanding.

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Said right to be examined.

to hold till ſatisfied.

CXVIII. And whereas colonel Chriſtopher O Bryen was appointed by his Majeſtie in his late gracious declaration to be reſtored unto his eſtate, as one who in an eſpecial manner had merited his Majeſtie's grace and favour, and was afterwards, in purſuance of his Majeſtie's orders, put into poſſeſſion thereof by the ſheriff of the county of Clare, in which county the ſaid eſtate doth lye; notwithſtanding which, if the ſame ſhould be ſtrictly examined according to the rules of the ſaid former act, it may be doubted whether ſuch delivery of poſſeſſion were legal, and whether the lands ſo delivered do not ſtill remain ſubject to the uſes of the ſaid former act and this preſent act: and whereas the ſaid Chriſtoper O Bryen is lately dead without iſſue, and all his eſtate, right, title and intereſt deſcended unto and upon Morogh earl of Inchequin, his next and immediate brother and heir, be it therefore enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith reſtore unto the ſaid Morogh earl of Inchequin and his heirs the preſent and actual poſſeſſion of all and ſingular the caſtles, houſes, mannors, lands, tenements and hereditaments, which the ſaid colonel Chriſtopher O Bryen, or any other in truſt for him, or to his uſe, had, held, or enjoyed upon the twenty ſecond day of October one thouſand ſix hundred forty and one, or at any time ſince, the lands, tenements and hereditaments formerly belonging to the ſaid Chriſtopher O Bryen, and now in the poſſeſſion of Peirce Creagh except, which are hereby granted and confirmed unto the ſaid Peirce Creagh and his heirs; and ſhall likewiſe ſet out and allot unto the ſaid earl of Inchequin and his heirs, ſo many acres more undiſpoſed and forfeited lands as may be equal in quantity of acres to the ſaid lands held by the ſaid Peirce Creagh; and from and after ſuch reſtitution and allotment ſo made as aforeſaid, the ſaid Morogh earl of Inchequin ſhall hold and enjoy to him and his heirs, all and ſingular the meſſuages, lands, tene-

Lord Inchequin reſtored to eſtate of Chriſtopher O Brien, to whom poſſeſſion had been delivered by the ſheriff, upon doubt whether ſuch delivery ſtrictly legal.

Except the lands enjoyed by Pierce Creagh, and confirmed to him.

Lord Inchequin to have other lands allotted.

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ments and hereditaments ſo as aforeſaid reſtored and allotted; and all and every the perſons tranſplanted into and upon any part of the premiſſes, their heirs and aſſignes, ſhall have ſuch ſatisfaction out of the forfeited lands undiſpoſed of to Engliſh proteſtants as the lord lieutenant and council of Ireland ſhall think fit, after the ſeveral intereſts of his Majeſtie's proteſtant ſubjects in Ireland have been fully ſatisfied and ſettled according to this act; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Perſons tranſplanted there, to have ſatisfaction out of forfeitures undiſpoſed to Engliſh proteſtants.

CXIX. And whereas Sir Thomas Sherlock, knight, deceaſed was in his life time a very dutifull and loyal ſubject, and from the time of the firſt breaking out of the ſaid rebellion and war unto the laſt end thereof behaved himſelf with great courage and diligence in his Majeſtie's ſervice, and ſuffered great hardſhips and extremities from the ſaid Iriſh rebells, by reaſon of ſuch his fidelity and obedience to the crown of England, until at laſt being taken priſoner by them, he was forced, for fear of his life, to ſubſcribe their oath of aſſociation, and having ſo gained his liberty did immediately fly unto Dublin, and there ſubmitted himſelfe to the now lord duke, then lord marqueſs of Ormond, his Majeſtie's lord lieutenant of Ireland, and continued there, ever after ſerving his Majeſtie and his authority to the uttermoſt of his power; the conſideration whereof inclined his Majeſtie to mention the ſaid Sir Thomas Sherlock in his late gracious declaration amongſt the names of thoſe few perſons, whom his Majeſtie was pleaſed to appoint to be reſtored to their former eſtate without any further proof of their innocency; which ſaid Sir Thomas Sherlock was afterward by the commiſſioners for execution of the ſaid former act adjudged a nocent perſon, upon no other grounds or evidence than the enforced ſubſcription of the oath or aſſociation as aforeſaid; his Majeſtie therefore being very unwilling to proceed with ſuch rigour and ſtrictneſs towards any of his good ſubjects, or to ſuffer a decree ſo ſevere to continue any longer in force to the ruine of the ſaid Sir Thomas Sherlock and his family, is graciouſly pleaſed that it may be enacted, and be it enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith, and without any previous reprizall, reſtore unto Paul Sherlock, eſq; ſonn and heir of the ſaid Sir Thomas Sherlock, and his heirs, the poſſeſſion of the principal and capital meſſuage or ſeat, and alſo one third part of all and ſingular the meſſuages, mannors, lands, tenements and hereditaments, whereof the ſaid Sir Thomas Sherlock or any other perſon or perſons in truſt for him or to his uſe, were ſeized or poſſeſſed upon the two and twentieth of October one thouſand ſix hundred forty and one (impropriations

Sir Thomas Sherlock's fidelity and ſufferings.

Taken by the rebels, and forced to ſubſcribe their oath of aſſociation; but as ſoon as his liberty thereby gained, he repaired to the lord lieutenant.

Declared by the King to be reſtored without further proof.

Adjudged *nocent* by the commiſſioners on account of ſuch ſubſcription:

So ſevere a decree ſhould not ſtand.

His ſon Paul Sherlock reſtored without previous reprizal to his principal ſeat, and one third; tithes excepted.

and

and appropriate tithes excepted) and ſhall alſo with all convenient ſpeed reſtore the whole reſidue of the ſaid lands and tenements (impropriations and appropriate tithes excepted) the reſpective adventurers or ſouldiers, their heirs or aſſignes now in poſſeſſion thereof, or claiming the ſame, being firſt ſatisfied their reſpective two third parts, and for their ſeveral and reſpective improvements which will be due to them by the rules of this act; and from and after ſuch reſtitution ſo made as aforeſaid, the ſaid Paul Sherlock ſhall hold and enjoy to him, his heirs and aſſigns, all and ſingular the lands and tenements ſo reſtored, in as full and ample manner as he or they might have done, if no ſuch decree had never been had or made; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Satisfaction to the adventurers or ſoldiers for their two thirds and improvements.

CXX. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall reſtore unto Nicholas Burke of Limerick, ſon and heir of James Burke, his heirs and aſſignes, the principal and capital meſſuage whereof he the ſaid Nicholas or his father, or any other in truſt for them, or either of them, or to their uſe, were ſeized or poſſeſt the two and twentieth of October one thouſand ſix hundred forty and one, and alſo two thouſand acres thereunto adjoyning, or ſo much thereof as they or either of them, or any other to their uſe, were ſeized or poſſeſt of on the ſaid two and twentieth of October; and that ſo much other forfeited and undiſpoſed land be likewiſe ſet out and allotted unto the ſaid Nicholas Burke and his heirs, and within ſuch county and barony as the lord lieutenant, or other chief governour and governours of Ireland and council there, ſhall direct and appoint.

Nicholas Burke of Limerick reſtored to capital meſſuage of his father, and 2000 acres adjoining.

and ſo much other land allotted as chief governor and council direct.

CXXI. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith reſtore unto the lord vice-count Gormanſton and his heirs, all and ſingular the meſſuages, mannors, lands, tenements, rents, reverſions, remainders and hereditaments, to which he is not already reſtored by ſome decree of the commiſſioners for execution of the ſaid former act herein confirmed, and all other the eſtate, right, title and intereſt whatſoever, whereof the ſaid lord vice-count Gormanſton, or Nicholas late lord vice-count Gormanſton his father, or any other perſon or perſons to their uſe, or in truſt for them, or either of them, were ſeized or poſſeſſed the two and twentieth of October one thouſand ſix hundred forty and one, (impropriations and appropriate tithes excepted) the heirs or aſſignes of Charles late earl of Mountrath, now having or claiming the ſame, being firſt ſatisfied by an allotment to them and their heirs of ſo much forfeited lands as may be equall in quantity and number of profitable acres to the lands ſo as aforeſaid

Lord Gormanſton reſtored.

Heirs or aſſigns of lord Mountrath (now in poſſeſſion) being firſt ſatisfied.

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ſaid to be reſtored, and being alſo firſt ſatisfied and paid, or otherwiſe ſecured for the rents, iſſues and meaſne profits received and detained by the ſaid lord vice-count Gormanſton and his agents, ſince his entry on the premiſſes, or to be received and detained until ſuch allotment ſhall be made as aforeſaid, according as the ſame ſhall be aſcertained by the commiſſioners for execution of this act, and at ſuch times and in ſuch manner as they ſhall appoint; and from and after ſuch reſtitution made as aforeſaid, the ſaid lord vice-count Gormanſton ſhall hold and enjoy to him, his heirs and aſſignes, all and ſingular the lands, tenements and hereditaments ſo reſtored; this act or any other act, record, utlary or attainder, or any other matter or thing to the contrary notwithſtanding.

Richard and John Grace reſtored, adventurers and ſoldiers firſt ſatisfied.

CXXII. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith reſtore unto John Grace of Court-ſtown, eſq; and colonel Richard Grace, and their reſpective heirs, all and ſingular the meſſuages, lands, tenements and hereditaments, except impropriations and appropriate tithes, and except the houſes in Kilkenny, which they or either of them reſpectively, or any other perſon or perſons in truſt for them, or either of them, reſpectively had, held, or enjoyed upon the two and twentieth of October one thouſand ſix hundred forty and one, and which are not already reſtored to the ſaid Richard Grace by ſome decree of the commiſſioners for execution of the ſaid former act herein confirmed; the reſpective adventurers or ſouldiers, their heirs or aſſignes, now in poſſeſſion thereof, or claiming the ſame, being firſt ſatisfied their reſpective charges and proportions, and for their ſeveral and reſpective improvements, which will be due to them by the rules of this act; and from and after ſuch reſtitution ſo made as aforeſaid, the ſaid John Grace ſhall hold and enjoy to him and his heirs all and ſingular the lands, tenements and hereditaments, ſo to be reſtored, and the ſaid Richard Grace ſhall hold and enjoy to him and his heirs the lands ſo to be reſtored; any thing in this, or the ſaid former act, contained to the contrary notwithſtanding.

Patrick Archer reſtored; adventurers and ſoldiers firſt ſatisfied their ſhares and improvements.

CXXIII. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith reſtore unto Patrick Archer, merchant, all and ſingular the lands, tenements and hereditaments, which he, or any other perſon or perſons in truſt for him, had, held, or enjoyed upon the two and twentieth of October, one thouſand ſix hundred forty and one; the reſpective adventurers or ſouldiers, their heirs or aſſignes now in poſſeſſion thereof, or claiming the ſame, being firſt ſatisfied their reſpective ſhares and proportions, and their ſeveral and reſpective improvements, which will be due to them by the rules of this

act; and from and after ſuch reſtitution ſo made as aforeſaid, the ſaid Patrick Archer ſhall hold and enjoy to him and his heirs all and ſingular the lands, tenements and hereditaments, ſo to be reſtored; any thing in this, or the ſaid former act, contained to the contrary notwithſtanding.

Lord Clanricard's letters patents confirmed; but the term of five years for paying 10000l. to lord Muſkry enlarged to three years more.

CXXIV. And whereas upon the paſſing of certain letters patents under his Majeſtie's great ſeal of England, bearing date the eighth day of April, in the fourteenth year of his Majeſtie's reign, unto Richard earl of Clanrickard, and his heirs, any uſe was therein limited, or ſome other proviſion thereby made, for the better ſecuring unto Charles late lord vice-count Muſkry the ſum of ten thouſand pounds, by the yearly payment of two thouſand pounds *ſterling per annum*, for and during the term of five years next enſuing the date of the ſaid patent; and foraſmuch as it may ſo fall out by reaſon of ſundry emergent occaſions, that the payments thereby ſecured may not be fully compleated within the ſaid term of five years, according to the true intent and meaning of the ſaid letters patents: be it therefore enacted by the authority aforeſaid, That the term of five years, in the ſaid letters patents mentioned, ſhall be and is hereby enlarged unto the term of three years more next after the ſaid five years ended and determined, and that if the ſeveral payments in and by the ſaid letters patents intended to be ſecured ſhall be made and determined within the time hereby enlarged, the ſame ſhall be as good and effectual in law, as if they had been made within the ſaid five years; and that in all other uſes, limitations, matters and things, the ſaid letters patents, and every clauſe and article therein, ſhall be as good and effectual in law, and of like force and effect, as the ſame were before the making of this act; any thing in this, or the ſaid former act, contained to the contrary notwithſtanding.



Payment of debts of teſtator or anceſtor ſhall not be avoided by pretence of new title.

CXXV. And to the end that no perſon or perſons, who is or ſhall be reſtored or intituled unto, or confirmed in, any meſſuages, mannors, lands, tenements or other hereditaments, by virtue of any clauſe in this act contained, or by virtue of any letters patents, grant, reſtitution, or other diſpoſition or allotment herein made, or hereafter to be made, in purſuance of this act, may, by pretence of ſuch new title, avoid the payment of any juſt debts, to which they, or their reſpective teſtators or anceſtors, were or ought to have been liable: be it therefore explained and enacted by the authority aforeſaid, That all and every perſon and perſons, their heirs and aſſignes, having and holding, or claiming to have and to hold, any meſſuages, mannors, lands, tenements and hereditaments as aforeſaid, ſhall be and are hereby made ſubject unto, and charged with, all and ſingular the debts and ſums of money now due and owing by them, or any other perſon or perſons, whoſe heirs,

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executors or adminiſtrators they are, and under whom they claim their ſeveral and reſpective allotments, as heir, executor or adminiſtrator, whether the ſame debts be due and owing by virtue of any ſpecialty or matter of record, and that all and every the meſſuages, lands, tenements and hereditaments, ſo held and claimed as aforeſaid, ſhall be held and accompted as aſſets in law, and are hereby declared to be aſſets for and towards the ſatisfaction and payment of all ſuch debts, to which the firſt takers thereof are in their own right, or as heirs, executors or adminiſtrators of any other perſon or perſons, made lyable by this act; any thing in this, or the ſaid former act, or any other law, matter or thing to the contrary notwithſtanding.

The lands, &c. accounted aſſets in law for payment thereof.

CXXVI. Provided always, and be it further enacted, That the heirs or aſſignes of Charles late earl of Mountrath ſhall have, hold, and enjoy all ſuch lands, tenements and hereditaments, which were ſettled upon or granted unto the ſaid late earl by any letters patents of the late uſurped powers, whereof he was in poſſeſſion the ſeventh of May one thouſand ſix hundred fifty and nine, except ſuch as have been decreed, or ſhall be by this act, or reſtored unto the Iriſh proprietor, for which he or they ſhall forthwith have the like quantity of profitable acres ſet out unto him or them reſpectively; and that all the lands, tenements and hereditaments, and other the advantages by this or the ſaid former act intended to be given, granted, or confirmed unto the ſaid late earl of Mountrath, his heirs or aſſignes, ſhall ſtand and remain diſpoſed and divided among and between the now earl of Mountrath, the relict and younger children of the ſaid late earl, ſubject and lyable unto ſuch limitations, uſes, debts, portions and legacies, as are expreſſed and contained in a decree made by the lord lieutenant and council, bearing date the

Heirs or aſſigns of late lord Mountrath ſhall enjoy lands, &c. of which he was in poſſeſſion 7 May 1659, except as decreed or reſtored, for which they ſhall be repriſed.

All advantages by theſe acts confirmed to the late earl ſhall be divided among his children, purſuant to decree by lord lieutenant and council 1663.

day of October one thouſand ſix hundred ſixty and three; any thing in this, or the ſaid former act, to the contrary notwithſtanding.

CXXVII. And whereas Sir Audley Mervin, knight, ſpeaker of the houſe of commons, Sir George Lane, knight, clerk of the houſe of lords, Philip Ferneley, eſq; clerk of the houſe of commons, and other the attendants on either of the ſaid houſes, do claime certain fees, to be due and payable to them for every bill, containing any grant or reſtitution of any forfeited lands to any perſon or perſons, bodies politick or corporate, their heirs or ſucceſſors, touching the aſcertaining whereof, and giving due remedy for the recovering of the ſame, ſome proviſion was made in and by a clauſe in the ſaid former act, in which clauſe the ſpeaker of the houſe of lords and the clerk of the council of Ireland are not mentioned: be it therefore explained and enacted

Speaker of houſe of lords and clerk of the council comprehended in the clauſe in former act, providing remedy for fees upon bills for grants or reſtitutions.

by

by the authority aforeſaid, That the ſpeaker of the houſe of lords, and clerk of the council of Ireland, ſhall be deemed and adjudged to be comprehended in the ſaid clauſe, and that the ſaid ſpeaker and clerk of the council, and Sir Audley Mervin, Sir George Lane, Philip Ferneley, and others mentioned in the ſaid clauſe contained in the ſaid former act, be paid by ſuch perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, who receive any grant of or ſettlement in any forfeited lands, tenements or hereditaments, by virtue of or in purſuance of this act, or of the ſaid former act, not ſet out to them in ſatisfaction of adventures or arrears, or of purchaſes made in Connaught, or any reſtitution to any lands, tenements or hereditaments, the incumbents of the ſeveral parochial churches excepted, ſuch fees, and no other, as the lord lieutenant, or other chief governour and governours of Ireland and council there, ſhall think fit and appoint, and that after the ſame fees ſo as aforeſaid aſcertained, like remedy ſhall be given for the recovery thereof, as in and by the ſaid former act is provided; any thing in this, or the ſaid former act, contained to the contrary notwithſtanding.

Fees appointed by chief governors and council.

CXXVIII. Provided always, and be it enacted, That no leaſe or *cuſtodiam*, made or granted by the King's Majeſtie unto Edward late lord biſhop of Limerick, now lord biſhop of Corke, Cloyn and Roſſe, or unto any other perſon or perſons, of any lands, tenements or hereditaments, in the baronie or baronies of Conello and Pople-Bryen in the county of Limerick, or either of them, whereof William Barker, eſq; by himſelf, his agents or undertenants, was in poſſeſſion the ſeventh of May one thouſand ſix hundred fifty and nine, ſhall any way prejudice the right, title, intereſt or poſſeſſion of the ſaid William Barker, of, in, or to the ſame, but that it ſhall and may be lawful to and for the ſaid William Barker, his heirs or aſſignes, to enter into, and take poſſeſſion of, all and ſingular the ſaid lands and tenements in the ſaid baronies, or either of them, whereof he was ſo in poſſeſſion, not decreed away by the commiſſioners for execution of the ſaid former act, and the ſame to have, hold, and enjoy to him the ſaid William Barker, his heirs and aſſignes; and that the ſaid William Barker and his heirs ſhall have like priviledge and advantage in retaining the poſſeſſion of the premiſſes, and in retrenching the third part thereof, or placing ſuch deficiencies thereupon as are ſatisfiable by the rules of this act, as any adventurer or ſouldier ought to have; and that the commiſſioners for execution of this act ſhall proceed to give ſuch certificates thereof, in order to the paſſing of letters patents, as may be neceſſary for the finall ſettlement of him the ſaid William Barker, his heirs

William Barker to enjoy his lands in Limerick, of which he was in poſſeſſion 7 May 1659, as any other adventurer, notwithſtanding any *cuſtodiam*, &c.

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and aſſignes, in lieu and ſatisfaction of his purchaſe of Gilbert Marſhall, in as full and ample manner as he the ſaid William Barker, his heirs or aſſignes, might have held and enjoyed the ſame, if he the ſaid William Barker had ſtill continued in poſſeſſion, and as if no ſuch leaſe or *cuſtodiam* had ever been made or granted; ſubject nevertheleſs to ſuch quit-rents, ſervices and payments, as other adventurers in the ſaid county of Limerick ought to pay, and with like benefits and advantages as other adventurers ought to have by this act; any thing in the ſaid *cuſtodiam*, or in a certain clauſe for confirmation of the patent granted to John lord Kingſton herein mentioned, or any other matter or thing in this or the ſaid former act contained to the contrary notwithſtanding.

Treaſurers appointed to raiſe and receive ſuch ſums as ſhall be appointed by committee at Grocer's hall, not exceeding 2d. *per £.* adventured, towards the public charges,

CXXIX. And whereas it was provided by the ſaid former act, That every of the adventurers, whoſe eſtates were to be confirmed, ſhould pay ſuch ſum or ſums of money as the committee of adventurers ſitting at Grocers-hall, London, or any five or more of them ſhould appoint, not exceeding two pence for every twenty ſhillings adventured, towards defraying of ſuch publique charges as would conduce to the ſettlement of that intereſt: and whereas the ſame is to be levyed upon ſuch perſons as ſhall make default, by diſtreſs and ſale of their goods, the generality of ſuch perſons making default not living in this kingdom, the ſaid proviſion hath been hitherto rendered very much fruitleſs: be it therefore enacted by the authority aforeſaid, That for better anſwering of thoſe ends, and raiſing the ſaid ſums, the ſeveral perſons hereafter named, *viz.* Sir Charles Lloyd, baronet, Sir Stephen White, William Barker, eſq; Gower, eſq; Ridge, eſq; Renthall, eſq; Radcliffe, Edward Smith, eſq; or the major part of them, or the ſurvivors or ſurvivor of them, be and are hereby authorized to be treaſurers of the ſaid moneyes, and ſhall and may, by order under their hands and ſeals, levy, or cauſe to be levyed, any ſum or ſums of money that the ſaid committee of adventurers, or any ſeven or more of them, ſhall think fit and appoint, upon all and every the adventurers for lands in Ireland, their lands, tenements and hereditaments, leſſees, tenants or aſſignes, by diſtreſs and ſale of their goods, rendering the overplus to the owners; which ſaid leſſees, tenants or aſſignes, ſhall be diſcharged of, and may retain ſo much of their rents in their hands, as the ſaid ſum to be levyed ſhall amount unto; ſuch ſum or ſums of money, ſo to be leveyed, not exceeding two pence for every twenty ſhillings originally paid and adventured, and that ſhall be ſatisfied in lands in this kingdom: provided always that neither this nor any thing herein contained, ſhall extend to charge any perſon or perſons,

by diſtreſs and ſale.

Tenants paying the ſame may retain ſo much of their rents.

ſons with any ſum or ſums of money, that hath been paid to any perſon or perſons upon the account of the two pence in the pound in the ſaid former act granted, but that ſuch perſon or perſons, who received the ſame, are to ſtand and be chargeable with and accountable unto the ſaid treaſurers for all the money by him or them received, and the ſaid treaſurers are to take care to imploy perſons of integrity and truſt for levying and collecting the ſaid ſums, under very good ſecurity, for whom they will anſwer, and not to diſpoſe of any ſum or ſums without order from the ſaid committee, or any ſeven or more of them, to whom alone they are made accountable.

Perſons who received under former act accountable to ſaid treaſurers, who are to employ perſons of integrity and truſt, and are accountable to the committee.

CXXX. And be it enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith, and without ſtaying for any previous reprizal, reſtore unto Sir Henry O Neil, his heirs and aſſignes, all and ſingular the lands, tenements and hereditaments in the county of Antrim, whereof the ſaid Henry O Neil, or any other perſon in truſt for him, or to his uſe, were or ought to have been ſeized or poſſeſt upon the two and twentieth day of October one thouſand ſix hundred forty and one; and that after ſuch reſtitution, in lieu and ſatisfaction thereof, the ſaid commiſſioners do likewiſe, with all convenient ſpeed ſet out and allot, or cauſe to be ſet out and allotted unto John lord vice-count Maſſareen, his heirs and aſſignes, ſo much other forfeited lands as may be of equal value, worth and purchaſe, to the lands ſo as aforeſaid to be reſtored out of the lands in the county of Lowth, or if there ſhall not be found ſufficient in that county, then out of other lands to be diſpoſed of by this act, and that ſuch further ſatisfaction be given the ſaid lord Maſſareen, and his heirs, as is appointed by the ſaid former act, and will ſtand with the rules of this act, ſo that the ſaid lands may as neer as may be lye contiguous; and that like effectual letters patents be thereof granted to the ſaid John lord vice-count Maſſareen, his heirs and aſſignes, as any other adventurer or ſouldier by the rules of this act ought to have; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Sir Henry O Neil reſtored,

and lord Maſſareen reprized,

and to have letters pat. as other adventurers.

CXXXI. Provided alſo, and be it further enacted, That the town and lands of Artain, *alias* Tartain, with the appurtenances in the county of Dublin, containing by eſtimation two hundred and twenty five acres, be they more or leſs, be granted, ratified and confirmed unto Sir Nicholas Armourer, knight, his executors, adminiſtrators and aſſigns, according to the tenor and effect of your Majeſties letters patents under the great ſeal of Ireland, bearing date the nineteenth day of November, in the fifteenth year of your Majeſties reign; any thing in this, the former or any other act, matter or thing, to the contrary notwithſtanding.

Sir Nich. Armourer confirmed in Artain, according to letters pat. 15 *C.* 2.

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CXXXII. And be it further enacted by the authority aforesaid, That all and singular the messuages, mannors, lands, tenements and hereditaments, whereof Sir John Fitz-Gerald, knight, dyed seized, and whereof Sir John Fitz Edmund Gerald, knight the grandchild dyed seized or possessed in the year one thousand six hundred and forty, and which were then belonging and of right appertaining to the bishop of Cloyne, and his successors, and were by the last will and testament of the said Sir John Fitz Edmund Gerald, and the schedule and codicil thereunto annexed, dated the first of September one thousand six hundred and forty, given and bequeathed, or mentioned to be given and bequeathed to his late Majestie King Charles the first, shall be and are hereby vested and settled in the now bishop of Cloyne, and his successors for ever, the several rectories and impropriate tythes therein and thereby bequeathed unto his said late Majestie onely excepted; which said rectories and impropriate tythes are hereby declared to be vested and settled in and and upon such of the present and future incumbents, and their successors, who have or shall have actual cure of souls in those respective parishes wherein such impropriations are, and such impropriate tythes do arise and renew, and in default of an actual incumbent, then in the respective persons now serving the cure and their successors, who for that end shall be and are hereby made actual incumbents, and capable to take them and their successors; and the presentation to the respective churches, so as aforesaid endowed, shall be for ever, and the patronage thereof, in the King's Majestie, his heirs and successors; and that all other the lands, tenements and hereditaments, so given and bequeathed as aforesaid, and not formerly belonging or appertaining to the bishoprick or see of Cloyne, shall be vested and settled in his Majestie, his heirs and successors.

Bishop of Cloyne settled in lands bequeathed to K. C. 1. by Sir John Fitz-Edmund Gerald,

except rectories and impropriations settled on incumbents serving cure.

Presentation to the churches to be in the King's patronage.

Residue of said lands vested in the King.

CXXXIII. And whereas the right reverend father in God Edward lord bishop of Cork, Cloyn and Ross, and Sir William Flower, knight, have been at great pains and charges in discovering of his Majesties title to the premisses, as well precedent to the forfeiture by the late rebellion, as by reason and upon the account of the said rebellion: be it therefore enacted, That the lord lieutenant of Ireland, or other chief governour there for the time being, do cause a lease of so much as is hereby settled in his Majestie, to be passed under his Majesties great seal of Ireland unto the said Edward Bishop of Corke, Cloyne and Ross, and Sir William Flower, their executors and assigns, for the term of one and thirty years, rendering yearly unto his Majestie, his heirs and successors, after the rate of treble such quit-rent as the adventurers and the souldiers do pay for the like proportions within the said province of Munster; any thing in this or the said former act contained to the contrary hereof in any wise notwithstanding:

Lease 31 years to bishop of Cork and Sir William Flower for their pains in discovering the King's titles,

paying treble quit-rent.

saving

ſaving and reſerving nevertheleſs to Edmund Fitz Gerald of Ballymalowe, and his heirs, all ſuch right and title which he the ſaid Edmund Fitz Gerald had unto the premiſſes, or any part thereof, upon the two and twentieth of October one thouſand ſix hundred forty and one.

Lands in Tipperary to be ſet out to Trinity college, purſuant to a decree of Chancery in England, towards ſatisfaction of bequeſt to them by Elias Travers.

CXXXIV. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act, ſhall ſet out and allot unto the provoſt, fellows and ſchollars of the colledge of the holy and undivided Trinity near Dublin, the ſix hundred ſixty ſix acres, two roods and twenty ſix poles Engliſh meaſure, in the county of Tipperary and barony of Elioguarty, heretofore allotted to William Sheeres for his father's adventure of three hundred pounds, which in purſuance of a decree in the high-court of Chancery in England, were ſince conveyed or mentioned to be conveyed to the ſaid provoſt, fellows and ſchollars of the colledge of the holy and undivided Trinity neer Dublin, towards the ſatisfaction of a charitable bequeſt deviſed to them by Elias Travers doctor of divinity deceaſed; and that like effectual letters patents ſhall be thereof granted unto the ſaid provoſt, fellows and ſchollars, and their ſucceſſors for ever, as any adventurers or ſouldiers by the rules of this act ought to have, to be held by them the ſaid provoſt, fellows and ſchollars, and their ſucceſſors, without any defaulcation or deduction whatſoever, ſubject nevertheleſs to the quit-rents by this act impoſed; any thing in this act to the contrary in any wiſe notwithſtanding.

Letters patent thereof to be granted, as to adventurers.

Subject to quit-rents.

Iſles of Arran purchaſed from Eraſmus Smith by lord Arran, confirmed to him.

CXXXV. Whereas Richard earl of Arran hath purchaſed from Eraſmus Smith, eſq; his intereſt, which he had as an adventurer, in the iſles of Arran, commonly called or known by the names of the Great Iſland, the ſmall Eaſt Iſland, and the iſland of Iniſhmaine: be it therefore enacted and provided by the authority aforeſaid, That the ſaid iſles of Arran, commonly called by the ſeveral names aforeſaid, lying and being in the half barony of Arran, in the county of Galway, together with all the royalties, mineralls, (royal mines excepted) fiſhings, profits and appurtenances whatſoever thereunto belonging, or therewith enjoyed by the former proprietors thereof, before the two and twentieth of October one thouſand ſix hundred forty and one, be and are hereby veſted in, ſettled upon, and confirmed unto the ſaid Richard earl of Arran, his heirs and aſſigns for ever; any thing in this act or in the ſaid former act to the contrary notwithſtanding; ſubject nevertheleſs to ſuch quit-rent payable to his Majeſtie, his heirs and ſucceſſors, as other the lands lying and being in the province of Connaught allotted to adventurers or ſouldiers are lyable to.

Subject to quit-rent.

Lord Dunſany reſtored without previous repriſal to the capital meſſuage, and

CXXXVI. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act, ſhall forthwith,

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with, and without any previous reprizal, reſtore unto Patrick lord baron of Dunſany and his heirs, the poſſeſſion of the principal and capital meſſuages or ſeat, and alſo one third part of all and ſingular the caſtles, lands, tenements and hereditaments, rents, reverſions, remainders, right, title, intereſt and eſtate whatſoever, which he the ſaid Patrick lord baron of Dunſany, or any other perſon to his uſe or in truſt for him, were ſeized or poſſeſſed of upon the two and twentieth of October one thouſand ſix hundred forty and one, except impropriations and appropriate tithes; and ſhall alſo with all convenient ſpeed reſtore the whole reſidue of the ſaid lands and tenements, impropriations and appropriate tithes excepted, unto the ſaid lord Dunſany and his heirs: the reſpective adventurers or ſouldiers, their heirs or aſſigns now in poſſeſſion thereof, or claiming the ſame, being firſt ſatisfied their reſpective ſhares and proportions, and for their ſeveral and reſpective improvements which will be due to them by the rules of this act; and from and after ſuch reſtitution ſo made as aforeſaid, the ſaid Patrick lord baron of Dunſany, ſhall hold and enjoy to him, his heirs and aſſigns, all and ſingular the lands and tenements ſo reſtored; any thing in this or the former act contained to the contrary notwithſtanding.

one third, and the reſidue after the adventurers or ſoldiers ſatisfied for their ſhares and improvements.

Tithes excepted.

CXXXVII. And whereas one thouſand acres of forfeited lands in the barony of Slane, were heretofore ſet out in ſatisfaction of an adventure of ſix hundred pounds advanced by Sir William Maſſam, baronet, deceaſed, and, as is alleaged, was poſſeſſed accordingly until about Michaelmas in the year one thouſand ſix hundred fifty and eight, at which time the ſaid Sir William Maſſam being dead, and the intereſt to the ſaid adventure being come unto Elizabeth Maſſam, the widow and relict of William Maſſam, eſq; ſon and heir of the ſaid Sir William, and then deceaſed; alſo Sir Robert Forth, knight, pretending ſome intereſt in the ſaid lands, got poſſeſſion thereof by an execution or executions iſſued upon a judgment or judgments in an action of ejectment, being, as is alleaged, ſurreptitiouſly obtained without any due notice or legal proceedings, the ſaid Elizabeth, by reaſon thereof having no poſſeſſions upon the ſeventh of May one thouſand ſix hundred and fifty nine, could claim no benefit of confirmation by the ſaid former act, and it is much to be doubted whether ſhe could demand any ſatisfaction as a deficient adventurer, the lot being once ſet out and enjoyed: for remedy whereof, be it enacted by the authority aforeſaid, That the commiſſioners for the execution of this act ſhall forthwith examine the truth of the allegations aforeſaid, and if they ſhall find the poſſeſſion of the premiſes to have been wrongfully taken from the ſaid Elizabeth Maſſam, they ſhall cauſe the ſaid Elizabeth Maſſam to be put into poſſeſſion thereof; and the ſaid Elizabeth

Eliz. Maſſam's title to 1000 acres in Slane to be examined, and if good, allotted to her, tho' not in poſſeſſion 7 May, 1659,

if Sir Robert Forth's title thereto found good, ſatisfaction to be made as for other adventurers.

Maſſam ſhall hold the ſame to her and her heirs, as fully as any other adventurer by this act ought to do, until the commiſſioners for execution of this act ſhall ſet out and allot to her and her heirs ſo much thereof as they ſhall adjudge to amount to her proportion; and if the ſaid commiſſioners ſhall find the ſaid Sir Robert Forths title to poſſeſs the ſaid lands to be good and valid, then they ſhall ſet forth ſuch ſatisfaction of land for the ſaid adventure, as ſhall be according to the rules and proportions limited for other adventurers by this act, and letters patents ſhall be thereof granted to the ſaid Elizabeth, and the ſaid Elizabeth ſhall enjoy the ſame to her and her heirs and aſſignes accordingly; any thing in this or the former act to the contrary notwithſtanding.

John and Rich. Wakeham, diſpoſſeſſed before 7 May 1639, by an extent, to have two thirds in other lands.

CXXXVIII. And whereas Captain John Wakeham and lieutenant Richard Wakeham were ſeized or poſſeſſed, before the ſeventh of May one thouſand ſix hundred fifty and nine, of certain lands ſet out to them in ſatisfaction of their arrears, and were thereof put out and diſpoſſeſſed before the ſaid ſeventh of May, by virtue of an extent: be it therefore enacted by the authority aforeſaid, that the commiſſioners for execution of this act ſhall ſet out and allot to the ſaid John Wakeham and Richard Wakeham, their heirs and aſſignes, ſo much forfeited and undiſpoſed land, as may be equal in quantity of acres unto two full third parts of the lands whereof they were ſo poſſeſt, as fully and amply as if they had been thereof poſſeſt upon the ſeventh of May one thouſand ſix hundred fifty and nine; any thing in this or the former act contained to the contrary notwithſtanding.

James Reynold reſtored after ſatisfaction to the adventurers or ſouldiers.

CXXXIX. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall reſtore unto James Reynold of Loghſcurr in the county of Letrim, eſq; and his heirs, the poſſeſſion of all and ſingular the lands, tenements and hereditaments, which the father of the ſaid James Reynolds, or any other perſon to his uſe, or in truſt for him, were ſeized or poſſeſſed upon the two and twentieth of October one thouſand ſix hundred forty and one, or at any time ſince; the reſpective adventurers or ſouldiers, their heirs or aſſignes now in poſſeſſion thereof, or claiming the ſame, being firſt ſatisfied their reſpective ſhares and proportions, and for their ſeveral and reſpective improvements which will be to them by the rules of this act; and from and after ſuch reſtitution ſo made as aforſaid, the ſaid James Reynolds ſhall hold and enjoy to him, his heirs and aſſignes, all and ſingular the lands and tenements ſo reſtored; any thing in this or the former act contained to the contrary notwithſtanding.

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The King's title by eſcheat to eſtate of Con O Rourk in Leitrim ſaved.

CXL. And be it further explained and enacted by the authority aforeſaid, That nothing in this or the ſaid former act contained ſhall any way extend to barr any right or title of eſcheat, which his Majeſtie hath unto the lands, tenements and hereditaments of Con O Rourk in the county of Leitrim, lately deceaſed without heirs, and which is found by inquiſition now remaining upon record in his Majeſties high court of Chancery; but that his Majeſties right and title thereunto by eſcheat as aforeſaid be fully ſaved and preſerved unto his Majeſtie, his heires and ſucceſſors; any ſeizure or ſequeſtration of the premiſſes, or any part thereof, upon the account of the ſaid late rebellion or warr, or any other matter or thing in this or the ſaid former act contained to the contrary notwithſtanding.

Mary Coghlan to be ſatisfied for her jointure, after all Engliſh intereſts ſatisfied.

CXLI. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall out of ſuch forfeited lands as ſhall remain undiſpoſed, after all the Engliſh intereſts herein provided for ſhall be ſatisfied, ſet out and allot unto Mary Coghlan, widow, the relict of Terence Coghlan of Kilcolgan in the King's county, eſq; deceaſed, ſo much land as ſhall be of like yearly value as the lands, which ſhe the ſaid Mary Coghlan formerly held or ought to have held for her jointure; to be held and enjoyed by the ſaid Mary Coghlan during her life, any thing herein before contained to the contrary notwithſtanding.

Like clauſe for lady Slane.

CXLII. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall out of ſuch forfeited lands as ſhall remain undiſpoſed, after all the Engliſh intereſts herein provided for ſhall be ſatisfied, ſet out and allot unto Anne, lady dowager of Slane, ſo much lands as ſhall be of like yearly value as the lands ſhe formerly held or ought to have held for her jointure, as widow and relict of the lord Delvin her former huſband; to be held and enjoyed by the ſaid lady dowager of Slane during her life, any thing herein before contained to the contrary notwithſtanding.

John Talbot of Malahide reſtored.

CXLIII. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act do forthwith reſtore to John Talbot of Malahyde, all and ſingular the lands, tenements, and hereditaments in the county of Dublin, which he the ſaid John Talbot held and enjoyed upon the two and twentieth day of October one thouſand ſix hundred forty and one, or at any time ſince; ſuch perſon or perſons who purchaſed the ſame of and from Suſannah Baſtwick or her children, or their aſſigns, being firſt ſatisfied out of the forfeited lands undiſpoſed by this act, by an allotment of ſo many profitable acres as may be equal in value, worth, and purchaſe to the lands ſo to be reſtored,

The purchaſers from Suſ. Baſtwick being firſt ſatisfied out of forfeited lands undiſpoſed.

ſtored; and after ſuch reſtitution ſo made as aforeſaid, the ſaid John Talbot ſhall hold and enjoy, to him and his heirs, all and ſingular the lands, tenements and hereditaments ſo reſtored, but ſubject to quit-rents; any thing in this or the ſaid former act contained to the contrary notwithſtanding. A. D. 1665. Chap. 2. ſubject to quit-rent.

Sir G. Harbert reſtored, after ſatisfaction to adventurers or ſoldiers in poſſeſſion.

CXLIV. And be it further enacted by the authority aforeſaid, That Sir George Harbert of Dorrow in the King's county, knight and baronet, ſhall, by the commiſſioners for execution of this act, be forthwith reſtored unto, and placed in the preſent actual poſſeſſion of, all and ſingular the lands, tenements, and all other hereditaments, right, title, and intereſt whatſoever in the ſaid kingdom of Ireland, which he the ſaid Sir George Harbert, or his uncle Sir Jaſper Harbert, deceaſed, or either of them, or any other perſon or perſons in truſt for them, or either of them, or to their or either of their uſe or uſes, had, held or enjoyed, or of right ought to have held or enjoyed on the two and twentieth of October one thouſand ſix hundred forty and one, or at any time ſince; the reſpective adventurers or ſouldiers, their heirs or aſſigns now in poſſeſſion thereof, claiming the ſame, being firſt ſatisfied their reſpective ſhares and proportions, and for their ſeveral and reſpective improvements which will be due to them by the rules of this act, and from and after ſuch reſtitution ſo made as aforeſaid, ſhall hold and enjoy all and ſingular the lands, tenements, and hereditaments ſo to be reſtored unto him and his heirs, by ſuch tenures, rents and ſervices, and no other, (tenures in *capite* or by knights ſervice excepted) as the ſame were held by on the ſaid two and twentieth day of October one thouſand ſix hundred forty and one; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Sir H. Tichborne confirmed in lands ſet forth to him for his diſburſements to the army between 1641 & 1643,

except what decreed away, for which he is to be ſatisfied out of forfeitures undiſpoſed,

and to have letters patent.

CXLV. And be it further enacted by the authority aforeſaid, That Sir Henry Tichborne, knight, ſhall hold and enjoy to him and his heirs all and ſingular the lands, tenements and hereditaments, which were ſet forth unto him in recompence and ſatisfaction of money, and other proviſions, by him furniſhed for relief of the army in Ireland, between the years one thouſand ſix hundred forty and one and one thouſand ſix hundred forty and three, which have not been decreed away by the commiſſioners for execution of the ſaid former act; and that the commiſſioners for execution of this preſent act, ſhall, out of the forfeited lands which ſhall remain undiſpoſed by this act to adventurers or ſouldiers, ſet out and allot unto the ſaid Sir Henry Tichborne ſo many acres of profitable land as may be equal in quantity to the lands ſo decreed away, to be held and enjoyed by the ſaid Sir Henry Tichborne and his heirs, and that like effectual letters patents ſhall be thereof granted; any thing in this or the ſaid former act to the contrary notwithſtanding.

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CXLVI. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall, out of ſuch forfeited lands as ſhall remain undiſpoſed, ſet out and allot unto Mabell counteſs dowager of Fingall ſo much lands as ſhall be of like yearly value as the lands which ſhe the ſaid counteſs dowager of Fingall formerly held, or ought to have held, for her jointure; to be held and enjoyed by her the ſaid counteſs dowager of Fingall for and during the term of her life, any thing herein before contained to the contrary notwithſtanding.

Lady Fingal to be ſatisfied, out of forfeitures undiſpoſed, for her jointure.

CXLVII. And whereas Samuel Avery late of London, alderman, was in his life time an adventurer for lands in Ireland, and did ſubſcribe and pay in the ſum of one thouſand one hundred pounds or thereabouts; the ſatisfaction of which adventure was afterwards ſet out and allotted unto him, the ſaid Samuel Avery, in the barony of Conello and county of Limerick, who notwithſtanding ſuch allotment quitted the poſſeſſion of his own lot, and entered upon the lot of Sir Charles Lloyd, baronet, another adventurer, ſatisfied in part within the ſame barony of Conello; which lot continued in the poſſeſſion of the ſaid Samuel Avery, his heirs and aſſigns, until the ſame was lately reſtored unto the ſaid Sir Charles Lloyd: and whereas the ſaid Samuel Avery did alſo in his life time contract and agree with the late uſurpers in England for the farm or receipt of certain cuſtoms or impoſitions upon merchandize exported or imported, then and there uſually paid, and upon ſuch his contract and undertaking became indebted and ſtood charged and chargeable with the ſum of ten thouſand pounds or thereabouts, as in and by the records thereof remaining in the court of Exchequer in England more fully appears; which ſaid debt and duty ſtands excepted out of the act of Parliament paſſed in England, entituled, *An Act of free and general pardon, indemnity and oblivion*, and remains veſted in his Majeſtie, and is ſtill unſatisfied, no lands or tenements, goods or chattells of the ſaid Samuel Avery, whereupon the ſaid debt might be levyed, being to be found in England, and the whole adventure of the ſaid Samuel Avery, and the lands therefore ſet out in the ſaid barony of Conello, although no defalcation thereof be made, are too little to ſatisfie the ſaid debt ſo long behind and unpaid: to the end therefore that full ſatisfaction may be made unto his Majeſtie for his ſaid debt as farr as by the ſaid adventure is poſſible; be it enacted by the authority aforeſaid, That all and ſingular the lands, tenements and hereditaments in the barony of Conello, ſet out and allotted unto the ſaid Samuel Avery as aforeſaid, not already decreed away by the commiſſioners for execution of the ſaid former act, into whoſe hands ſoever the ſame be come by any right or title derived by, from, or under the ſaid Samuel

Samuel Avery's adventure in Limerick veſted in the King, (ſo far as not decreed away) in diſcharge of an Exchequer debt of 100001. excepted out of the act of indemnity, 12 *C.* 2. 11 *Eng.*

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Samuel Avery, his heirs or aſſigns, ſhall remain and continue veſted in his Majeſtie, his heirs and ſucceſſors, in ſatisfaction and diſcharge of the ſaid debt; and if any part of the ſaid lands have been decreed away by the commiſſioners for execution of the ſaid former act, the commiſſioners for execution of this act ſhall forthwith aſſigne unto his Majeſtie by deed under their hands and ſeals, to be enrolled in Chancery, ſo much more as may be equal in quantity and number of acres to the lands ſo decreed away; which lands ſo aſſigned ſhall be and are hereby veſted in his Majeſtie, his heirs and ſucceſſors, and diſcharged of the uſes or truſts in this or the ſaid former act expreſſed; any thing in this or the ſaid former act, or any other act, matter, or thing to the contrary notwithſtanding.

if any part decreed away, an equal quantity to be veſted in the King.

CXLVIII. And be it further enacted by the authority aforeſaid, That the fifty four perſons hereinafter named, that is to ſay, the earl of Weſtmeath, the lord vice-count Ikerryn, the lord baron of Dunboyne, the lord baron of Trymletſtown, the lord baron of Upper Oſſory, the lord Bermingham baron of Athunrey, colonel Richard Butler, Sir Richard Barnwell baronet, Sir Redmund Everard baronet, Sir Dermoſt O Shagnuſſey knight, Maſter Edmond Fitz Gerald of Balymalo, maſter Thomas Butler of Killcomell, maſter ——— Macnemara of Crevagh, maſter David Power of Kilbolane, maſter Donnogh O Callaghan of Clonmeen, maſter Barnard Talbot of Rathdown, Conly Geoghegan of Donore, who were mentioned amongſt the thirty eight perſons in his Majeſties late gracious declaration, and were reſtored after reprizals ſet out, and for whom no proviſion hath yet been made; and alſo the heirs of Sir Lucas Dillon, knight; the heirs of Sir Vallentine Blake, baronet; Sir Robert Talbott, knight; Sir Richard Blake, knight; doctor Gerrard Fennel, Geoffry Brown, John Brown of the Neale, John Walſh, Thomas Terril, Edmund Dillon, Francis Coghlan of Kilcolgan in the King's county, Robert Nugent of Cartlanſtown, Sir John Bourke of Derry Maclaghney, Thomas Arthur, eſq; doctor in phyſick; Gerald Fleming of Caſtle-Fleming, and Bartholomew Stackpoole, eſquires; who were alſo mentioned in the ſaid former act to be reſtored to their former eſtates as aforeſaid, and for whom no proviſion hath yet been made; and alſo the lord baron of Brittas, maſter Tute, ſon to Andrew Boy Tute of Cullanmore, in the county of Weſtmeath, eſq; maſter ——— Walſh, heir of David Walſh of Baly-beaghan in the county of Tipperary, eſq; Sir Edmund Bourke, baronet, ſon of Sir Ulick Bourke of Gliuſk in the county of Roſcommon, baronet, deceaſed; Sir Thomas Eſmond, baronet; Sir Lucas Dowdall, knight, ſon of Lawrence Dowdall of Athlumney in the county of Meath, eſq; maſter ——— Walſh, heir of Walter Walſh of Caſtle Hoyle

54 perſons named to be reſtored to their principal ſeats, and 2000 acres adjoining.

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in the county of Kilkenny, eſq; Edward Wall of Ballinikill in the county of Catherlagh, eſq; maſter ——— Butler, ſon of Theobald Butler, ſon of James Butler of Derry-Luſcan in the county of Tipperary, eſq; James Tobyn of Killaghee in the county of Tipperary, eſq; Richard Butler of Ballinikill in the county of Tipperary, eſq; Philip Purcell of Ballyfoyle in the county of Kilkenny, eſq; Sir Edmund Fitz Gerald of Clanliſh in the county of Limerick, baronet; Peirce Walſh of Abbey-Owhney in the county of Limerick, eſq; John Power of Doneile in the county of Waterford, eſq; Peirce Power of Money-Largy in the county of Waterford, eſq; William Brabazon, the heir of Anthony Brabazon of Balinaſlo in the county of Roſcommon, eſq; Daniel O Brien of Dnogh in the county of Clare, eſq; lord vice-count Iveagh; Sir Edward Fitz Harris of Clogh-Notefoy, in the county of Limerick, baronet; John Cantwell of Mokarky in the county of Tipperary, eſq; and their heirs and aſſignes, ſhall, by the commiſſioners for execution of this act, be reſtored unto their ſeveral and reſpective principal ſeats, that is to ſay, unto their ſeveral and reſpective principal meſſuages, houſes or caſtles, (Kilmedan and the lands thereunto belonging excepted) or in caſe they have ſeveral meſſuages, houſes or caſtles, to ſuch of their ſeveral meſſuages, houſes or caſtles (Kilmedan and the land thereunto belonging excepted) as they ſhall reſpectively chooſe within two months after the firſt ſitting of the commiſſioners for execution of this act, and unto two thouſand acres of land thereunto adjoyning, if they or any of them, their or any of their anceſtors, or any other in truſt for them, or any of them, or to their or any of their uſe, were ſeized or poſſeſſed of ſo much upon the twenty ſecond of October one thouſand ſix hundred forty and one, and were thereunto lawfully and rightfully intitled; and in caſe they or any of them, their or any of their anceſtors, or any other in truſt for them or any of them, or to their uſe, were not ſeized or poſſeſſed upon the two and twentieth of October one thouſand ſix hundred forty and one, of two thouſand acres as aforeſaid, then unto ſo much thereof as they were ſeized or poſſeſſed of as aforeſaid, and which lyes contiguous to their reſpective principal ſeats; and if any of the four and fifty perſons herein before named ſhall be found to be in poſſeſſion of any meſſuage and lands thereunto adjoyning, which to them or any of them did rightfully belong upon the ſaid twenty ſecond day of October one thouſand ſix hundred forty and one, and the lands ſo poſſeſſed ſhall be found to exceed the quantity of two thouſand acres, it ſhall and may be lawful to and for the lord lieutenant, or other chief governour or governours of Ireland and council there for the time being, to cauſe ſo much thereof as ſhall exceed the quantity of two thouſand acres, to be retrenched

if they have ſeveral houſes, &c. to ſuch as they ſhall chuſe in 2 months,

if lawfully intitled to ſo much 22 Oct. 1641,

if not ſeiſed of 2000, to ſo much as they were ſeiſed of, contiguous to their ſeats,

if in poſſeſſion of more than 2000, the ſurplus retrenched, and veſted in the King, to uſes of this act.

retrenched and cut off in ſuch way and manner as they ſhall think fit, and the land ſo retrencht, ſhall remain and be veſted in his Majeſty, to the end that the ſame may be further diſpoſed to the uſes of this act.

Thoſe not ſufficiently provided for ſhall have allotted to them by chief governors and council ſo much of undiſpoſed forfeitures, after proteſtant intereſts provided for as on conſideration of their reſpective caſes and merits thought fit.

CXLIX. And for the better ſupport of ſuch of the fifty four perſons herein before named, who ſhall not have two thouſand acres near adjoyning and lying contiguous unto his and their reſpective ſeats to which they are to be reſtored, or having two thouſand acres ſhall not be thought to be thereby ſufficiently provided for, it is further declared and enacted, That it ſhall and may be lawfull to and for the lord lieutenant, or other chief governour and governours of Ireland and council there for the time being, upon due conſideration had of the ſeveral and reſpective caſes and merits of the perſons aforeſaid, to direct and appoint the commiſſioners for execution of this act to ſet out and allot, or cauſe to be ſet out and allotted, unto any of the perſons aforeſaid, or their heirs, ſo much of the forfeited lands, which ſhall remain undiſpoſed after the ſeveral proteſtant intereſts herein before provided for ſhall be ſatisfied, as the ſaid lord lieutenant or other chief governour or governours and council ſhall think fit.

Sir Thomas Eſmond not to be reſtored to what in poſſeſſion of duke of Albemarle.

CL. Provided alwayes that nothing herein contained ſhall extend to reſtore or intitle the ſaid Sir Thomas Eſmond, baronet, to the poſſeſſion of any meſſuages, mannors lands, tenements or hereditaments, whereof George duke of Albemarle is now in poſſeſſion by himſelf, or his under-tenants, or any ways intituled thereunto; but that the ſame ſhall be held and enjoyed by the ſaid George duke of Albemarle, his heirs and aſſignes; any thing herein before contained to the contrary in any wiſe notwithſtanding.

If in ſix months after royal aſſent Sir Edward Fitz Harris proved and adjudged guilty of maſſacre, murder or other cruelty incapable of benefit by this act.

CLI. Provided alſo, that if any perſon or perſons ſhall, within the ſpace of ſix monthes next after the royal aſſent to this bill actually given, alleage, before the lord lieutenant or other chief governour or governours of Ireland and council there, that the ſaid Sir Edward Fitz Harris hath committed any maſſacre, murther, or other ſuch like heynous crime, or cruelty upon the perſons of any of his Majeſties good ſubjects, and ſhall prove the ſame by ſuch witneſſes, or other evidence, as the ſaid lord lieutenant or other chief governour or governours and council there ſhall think good proof, that then and in ſuch caſe it ſhall and may be lawfull to and for the ſaid lord lieutenant, or other chief governour or governours and council there, by order of the council, to declare and adjudge him the ſaid Sir Edward Fitz Harris to be guilty of the crime or cruelty ſo alleaged and proved as aforeſaid, and upon ſuch declaration

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and judgment the ſaid Sir Edward Fitz Harris and his heirs ſhall be and are hereby made incapable of any benefit or advantage in and by this preſent act given, or of any reſtitution as aforeſaid, but ſhall remaine and be, to all intents and purpoſes, in the ſame plight and condition as he or they would have been, if the ſaid Sir Edward Fitz Harris had not been named in this preſent act; any thing herein before contained to the contrary in any wiſe notwithſtanding.

Thoſe removed for the reſtitution of ſaid 54 perſons to be firſt ſatisfied in other forfeitures of equal value.

CLII. And it is further enacted, That all and every the adventurers, ſouldiers and commiſſioned officers, who ſerved before the fifth of June one thouſand ſix hundred forty and nine, their heirs and aſſignes, who are to be removed to make way for the reſtitution of the four and fifty perſons herein before named, or any of them, ſhall be firſt ſatisfied by ſome other forfeited lands, to be ſet out and allotted to them by the commiſſioners for execution of this act, equal in value, worth and purchaſe, to the meſſuages, lands, tenements and hereditaments from whence they are to be removed; and all and every the proteſtant purchaſors in Conaught and Clare ſhall be firſt ſatisfied by an allotment of land equal in value unto the lands, from whence they are to be removed.

And alſo proteſtant purchaſers in Conaught and Clare.

CLIII. And be it further enacted and declared by the authority aforeſaid, That where any perſon or perſons, now in the poſſeſſion of any meſſuages, lands, tenements, or hereditaments, ought to be reprized for the ſame, and, after repriſals firſt ſet out, to be removed thence, to make way for the reſtitution of any of the fifty four perſons herein before named, their heirs or aſſigns, or for the reſtitution of any other perſon or perſons herein before or after mentioned, who by the rules of this act is made reſtorable after previous reprizals, that there and in ſuch caſe it ſhall and may be lawful to and for all and every the perſon or perſons, ſo as aforeſaid appointed to be removed, to have, receive, and keep the rents, iſſues, and profits of all and ſingular the meſſuages, lands, tenements and hereditaments, whereof they are now in poſſeſſion, to their own uſe and behoof, without any accompt to be therefore made or rendered, until the commiſſioners for execution of this act ſhall have ſet out and allotted unto the perſon or perſons, ſo as aforeſaid appointed to be removed, ſuch forfeited lands, by way of reprizal, as they ſhall adjudge to be due to them by the rules of this act; and all and every perſon and perſons, who, after reprizals, ſet out and allotted by the commiſſioners, ſhall refuſe to accept of ſuch reprizals, and ſhall detain and keep the poſſeſſion of the lands from which they ought to be removed, ſhall account for and pay unto the perſon who ought

Perſons to be repriſed before removal, not accountable for the profits till repriſal ſet out, unleſs they refuſe to accept thereof and detain poſſeſſion.

to

to be reſtored, all the rents and profits received from the time of ſetting out ſuch reprizals, until the reſtorable perſon ſhall be put into actual poſſeſſion of the ſame; any thing herein before or after contained to the contrary notwithſtanding.

Leaſes *bona fide* made of land to be reſtored, confirmed.

CLIV. And be it further enacted, That all and every the leaſes which have been made *bona fide* of any the lands or tenements, which by virtue of any clauſe in this act are to be reſtored, ſhall be held and enjoyed by the ſeveral and reſpective tenants during their reſpective leaſes, they paying the rents and ſervices thereupon reſerved, and performing the covenants and agreements therein contained unto the perſon or perſons, to whom the reverſion thereof ſhall appertain; but if ſuch leaſes have been made in conſideration of a fine paid, and by reaſon thereof a leſſer rent hath been reſerved than otherwiſe the premiſſes were worth to be let, then the perſon to be removed ſhall pay or cauſe to be paid, unto the perſon to be reſtored, the ſaid fine, and ſhall be ſatisfied for ſuch fine ſo paid by ſuch an allotment of ſo much other forfeited lands as after the rate of eight years purchaſe may be equivalent thereunto; and it is further declared, that no reſtitution made unto any of the perſons herein before named, (the reſtitution of Francis lord Bermingham baron of Atthunry excepted) ſhall any way extend to alter or diminiſh the right which the officers, who ſerved before the fifth of June one thouſand ſix hundred forty and nine, can or may claim, by virtue of this or the ſaid former act, to the benefit ariſing from the redemption of mortgages, ſtatutes ſtaple, and judgments which do or may incumber the premiſſes ſo to be reſtored; nevertheleſs the four and fifty perſons ſo as aforeſaid to be reſtored, their heirs and aſſigues (the lord Bermingham excepted) ſhall have full power and authority, at any time within the ſpace of two years next after the royal aſſent to this bill given, to redeem all and every the mortgages, ſtatutes, and judgments which have been entered into by any forfeiting perſon or perſons not decreed innocent, and do incumber the premiſſes; ſo as the moneys thereupon due and owing for ſuch part of the incumbrances as are within the ſecurity ſet apart for the commiſſioned officers, who ſerved before the fifth of June one thouſand ſix hundred forty and nine, be paid and ſatisfied unto their uſe; the payment whereof ſhall be and is hereby declared a ſufficient diſcharge of ſuch incumbrance; and no poſſeſſion is to be delivered of the premiſſes untill the reſpective forfeited incumbrances thereupon lying be paid and ſatisfied as aforeſaid; and all and every the mortgages, ſtatutes, and judgments which have been entred into to any forfeiting perſon or perſons not declared innocent,

But if a fine taken, and leſs rent reſerved, the fine to be paid to the perſon reſtored by him removed, to be ſatisfied out of other forfeitures at eight years purchaſe.

No reſtitution to the perſons named (lord Bermingham excepted) ſhall alter the right of officers before 1649 to benefit of incumbrances.

But ſaid 54 perſons may redeem in two years ſaid incumbrances, ſo as the money paid to uſe of ſaid officers.

Poſſeſſion not to be delivered till incumbrances ſatisfied.

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and do incumber the premiſſes or any part thereof herein before appointed to be reſtored unto the ſaid Francis lord Bermingham, baron of Athlunry, ſhall be and are hereby releaſed, barred, diſcharged and extinguiſhed; and the commiſſioners for execution of this act are to ſet out ſo much other forfeited land as may be ſufficient to ſatisfie the officers who ſerved before June one thouſand ſix hundred forty and nine, for the ſeveral forfeited incumbrances within their ſecurity and extinguiſhed as aforeſaid.

Incumbrances on lord Bermingham's part ſhall be extinguiſhed, and the officers ſatisfied out of other forfeitures.

CLV. And to the end that the proteſtants, who, upon or ſince the ſeventh of May one thouſand ſix hundred fifty nine, have been in the actual poſſeſſion of any meſſuages or lands which by virtue of this act ſhall be reſtored or given unto any perſon or perſons herein before or after named, may not wholly loſe the benefit and charges of their reſpective improvements; be it further enacted by the authority aforeſaid, That all and every the proteſtants ſo to be removed ſhall be and are hereby enabled to demand, and ſhall upon their requeſts have, leaſes made to them of all and ſingular the meſſuages and lands in their manual occupations, for three lives, or one and twenty years, at a moderate rent, not exceeding three fourths of the true value of the lands, in ſatisfaction of their improvements, except it be a capital meſſuage, and then the party to be reſtored ſhall either make ſuch leaſe as aforeſaid, or pay unto the perſon to be removed, in ready money, the full value of ſuch improvements; and in caſe of default or refuſal to make ſuch leaſe as aforeſaid upon requeſt, or to give ſuch ſatisfaction in money, ſhall be and are hereby enabled to reenter, and to retain the ſaid lands, until ſuch leaſe made or ſatisfaction given as aforeſaid; and to the end there may not be any difference touching the values of the lands ſo to be demiſed, or of the improvements to be ſatisfied as aforeſaid, the lord lieutenant, or other chief governour or governours and council for the time being, are hereby enabled, upon the petition of the parties concerned, to appoint ſuch commiſſioners from time to time as they ſhall think fit to ſettle the difference aforeſaid.

Proteſtants removed in ſatisfaction of improvements may have leaſes for 3 lives or 21 years at moderate rent, not above three fourths of the true value,

except for a capital meſſuage, for which they ſhall have ſuch leaſe or full value in money,

upon refuſal they may re-enter and retain till ſo done.

Commiſſioners to be appointed for ſettling differences as to the value or improvements.

CLVI. Provided always and it is enacted, That nothing herein contained ſhall enable any of the four and fifty perſons herein before mentioned to demand or have, or to be reſtored unto, any impropriations or appropriate tythes, or to any glebe lands parcel of any rectory impropriate, but that the ſame ſhall remain and be to ſuch uſes, as they would have been by this and the ſaid former act, if the ſaid fifty and four perſons, or any of

Said 54 not to be reſtored to impropriation or glebe lands.

of them, had not been named; any thing herein contained to the contrary notwithſtanding.

Perſons reſtored by King's letters, if rightfully poſſeſſed 22d Oct. 1641, and not otherwiſe provided for by the act, ſhall be put in poſſeſſion of houſes and 2000 acres contiguous in like manner as the 54.

CLVII. And be it further enacted by the authority aforeſaid, That thoſe, who were in poſſeſſion of any lands or houſes upon the two and twentieth day of Auguſt one thouſand ſix hundred ſixty and three, to which they were reſtored by vertue of any his Majeſties letters, if they or any of them, their or any of their anceſtors, or any other in truſt for them, or any of them, were thereof ſeized or poſſeſſed upon the twenty ſecond of October one thouſand ſix hundred forty and one, and thereunto rightfully intitled, and are not otherwiſe provided for by this act, ſhall by the commiſſioners for execution of this act be reſtored unto and put in poſſeſſion of ſuch houſes, and ſo much of the lands lying contiguous and thereunto adjoyning, as ſhall not exceed the quantity of two thouſand acres; in the doing whereof the commiſſioners are to proceed by the ſame rules, orders and directions, and in like manner and form, as they ought to proceed in the ſettlement and reſtitution of any of the four and fifty perſons herein before named, and not otherwiſe.

Papiſts not to have advowſons, preſentation to benefices, &c. which ſhall be veſted in the King till conformity.

CLVIII. And be it further enacted by the authority aforeſaid, That nothing in the ſaid act former act, or in this preſent act, herein before or after contained ſhall be underſtood to give, reſtore, or confirm to any Iriſh papiſt or popiſh recuſant, or any other perſon ſeized or poſſeſſed in truſt for any ſuch Iriſh papiſt or popiſh recuſant, any advowſon or right of patronage of or in any eccleſiaſtical benefice or promotion, or any right of nomination, preſentation or collation to, or donation, of any ſuch eccleſiaſtical benefice or promotion; but that all and every ſuch advowſons and rights of patronage, and the rights of nomination, preſentation or collation to, or donation of any ſuch eccleſiaſtical benefice or promotion, but that all and every ſuch advowſons and rights of patronage, and the rights of nomination, preſentation, donation or collation of or to any ſuch eccleſiaſtical benefice or promotion, ſhall veſt, remain, and continue, and ſo are hereby adjudged to reſt, remain, and continue in his Majeſtie, his heirs and ſucceſſors, untill ſuch Iriſh papiſt or popiſh recuſant, or the right heir of ſuch papiſt or recuſant ſhall come to church, and receive the ſacrament according to the rights of the Church of England, and from and after ſuch conformity ſhall be again reveſted in the perſon ſo conforming, and his heirs; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Commiſſioners named.

CLIX. And be it further enacted by the authority aforeſaid, That Sir Edward Smith knight, chief juſtice of his Majeſtie's court of Common Pleas, Sir Edward Dering baronet,

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Sir Allen Broderick, Sir William Churchill, knights, and Edward Cooke eſq; and ſuch others as upon the death or removal of them, or any of them, ſhall be appointed by his Majeſty from time to time, ſhall be commiſſioners, and that they, or any three or more of them, ſhall have power to put in execution all and every the matters of this preſent act, and of the ſaid former act, which remain ſtill in force, and are directed to be done by commiſſioners, or are not particularly entruſted to ſome others by the ſaid acts, and that they and every of them ſhall, before they act any thing in execution of the ſaid commiſſion, take an oath before the lord chancellour or lord keeper of the great ſeale of Ireland, or before the lord chief juſtice of his Majeſtie's court of chief place, or the lord chief juſtice of his Majeſtie's court of common pleas, or before the lord chief baron of his Majeſtie's court of Exchequer, for the time being, which oath they or any of them have hereby power to adminiſter, as there ſhall be occaſion, in theſe words following;

Their oath.

You ſhall ſwear, that you ſhall to the beſt of your ſkill and knowledge, truly and impartially execute the place and duty of a commiſſioner for putting in execution an act, intituled, [*An act for the explaining of ſome doubts ariſing upon an act, intitled, An Act for the better execution of his Majeſtie's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there, and for making ſome alterations of, and additions unto the ſaid act, for the more ſpeedy and effectual ſettlement of the ſaid kingdom:*] *and of ſo much as is ſtill in force, and remains to be executed, of an other act, intituled* [*An act for the better execution of his Majeſtie's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there,*] *ſo long as you ſhall continue in that imployment, and therein you ſhall ſpare no perſon for favour and affection, nor any perſon grieve for hatred or ill will.*

So help you God.

Commiſſioners within two years to acquaint chief governors and council of doubts or defects in the act.

whoſe explanation and direction made in the two years, and inrolled in chancery, ſhall be binding.

And that in all caſes which ſhall happen before the commiſſioners within the ſpace of two years next after their firſt ſitting, wherein the conſtruction of this or the ſaid former act ſhall appear doubtful to them, or that the act it ſelf ſhall be found defective in ſome points neceſſary for the carrying on of the intended final ſettlement, and not clearly enough determined and provided for by this act, the commiſſioners, or any three or more of them, ſhall and may, by writing under their hands and

ſeals, acquaint the lord lieutenant, or other chief governour and governours of Ireland and council there for the time being with their proceedings and the doubts ariſing thereupon, and the defects appearing in this preſent act; and ſuch order of amendment, inlargement of periods, explanation or direction, as ſhall be thereupon made by the lord lieutenant or other chief governour or governours and council, by act of council in writing, for the better and more eaſy execution of this act, and for promoting the ends thereof onely, ſhall be as binding to the commiſſioners and all other perſons, and effectual, as if the ſame had been part of this preſent act; ſo alwayes that the ſaid act and acts of council be made within the ſaid two years, and inrolled in the high court of chancery.

And who may enlarge the time for executing this act one year from the expiration of two former years allowed the commiſſioners.

CLX. And be it further enacted by the authority aforeſaid, That the time and ſpace of two years, to be computed from the day of the firſt ſitting of the commiſſioners for execution of this act, ſhall be and is hereby allotted unto the ſaid commiſſioners for putting this act in execution, and for performance of the ſeveral matters and things hereby intruſted to them; and in caſe the ſame ſhall not then be finiſhed, it ſhall and may be lawfull for the lord lieutenant, or other chief governour or governours of Ireland and council there for the time being, to inlarge the time for the ends and purpoſes aforeſaid, to ſuch other and further periods as they by any act of council, and inrolled in the chancery of Ireland, ſhall think fit to declare, ſo as ſuch inlargement of time exceed not the ſpace of one year from the expiration of the two former yeares; and that ſuch order, as to the enlarging of periods of time, ſhall be as good and effectual in law, as if it had been particularly expreſſed and enacted by theſe preſents.

Sheriffs, &c. to execute orders of commiſſioners.

CLXI. And be it further enacted by the authority aforeſaid, That all ſheriffs, mayors, bayliffs, and all other officers and miniſters of juſtice, ſhall well and truely execute all orders and decrees to be made by the ſaid commiſſioners, or cauſe the ſame to be executed, and ſhall alſo from time to time obey and execute all ſuch precepts, warrants or other commands, as by the ſaid commiſſioners to them or any of them ſhall be directed;

who may proceed as the Four Courts, in caſe of diſobedience or contempt in court.

and that the commiſſioners ſhall have ſuch like power of proceeding in the caſes of contempts and miſdemeanours committed in open court, or of willful neglect or diſobedience, as any of the four courts at Dublin do or may lawfully uſe.

Defendants may plead general iſſue, and give this act in evidence.

CLXII. And be it further enacted by the authority aforeſaid, That in all ſuites and proceedings at law, wherein the authority of this act may any way availe the tenant or defendant in ſuch ſuite, it ſhall and may be lawfull to and for ſuch tenant or defendant to plead the general iſſue, and to give this

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act and the proceedings thereupon in evidence; and if upon the tryall a verdict paſs, or upon demurrer judgment be given, for the tenant or defendant, or the plaintiff or demandant be nonſuit, that in all and every ſuch caſe the party or parties tenants or defendants ſhall recover his or their double coſts and damages.

and have double coſts if a nonſuit, or verdict for defendants.

CLXIII. And be it further enacted and ordained by the authority aforeſaid, That the commiſſioners, appointed or to be appointed by his Majeſtie for the execution of this preſent act, ſhall and may receive for themſelves and for the ſub-commiſſioners, which they ſhall chooſe to attend and aſſiſt them therein, the fees hereafter mentioned, and no other; that is to ſay, two pence for every profitable Engliſh acre, which by any ſentence, judgement or decree hereafter to be made by the ſaid commiſſioners, ſhall be granted, aſſigned, ſet out, reſtored or confirmed to any adventurer, ſouldier, old proprietor or other Iriſh papiſt, or to any patentee or grantee, or any other perſon or perſons, bodies politick or corporate whatſoever, in purſuance of any part of this preſent act, or of the ſaid former act, or of any proviſo or grant therein made, or by the ſame or theſe preſents ratified or confirmed, and ſuch other fees, ſalaries and rewards, for and in recompence of their pains and endeavours in the execution of ſuch other parts of this and the ſaid former act which are intruſted to them, as the lord lieutenant, or other chief governour and governours of this kingdom for the time being, and the council ſhall think fit and appoint.

Fees for commiſſioners and ſub-commiſſioners 2*d.* every profitable acre ſet out, *&c.* and ſuch other as chief governor and council appoints.

CLXIV. Be it hereby further provided and enacted by this preſent Parliament, and by authority of the ſame, That no prejudice or damage whatſoever ſhall ariſe to or befall John Paine eſq; for or by reaſon or in reſpect of his being neceſſitated to accept of an hundred pounds or thereabouts, in the time of the late uſurpers, for the preſent ſubſiſtance of himſelf and family then reſiding in Dublin, but that as to his full arrears, due before the fifth of June one thouſand ſix hundred and forty nine for ſervice in Ireland, the ſaid John Paine, his heirs and aſſignes, ſhall be admitted to have, aſk, demand, and receive as full and ample ſatisfaction for the ſame, out of the ſecurity by this act ſet apart for ſatisfying the arrears of the commiſſioned officers before the fifth of June one thouſand ſix hundred and forty nine, to all intents and purpoſes as if he were to that end named and provided for, and ſaved in his Majeſties declaration of the thirtieth of November one thouſand ſix hundred and ſixty, and as any commiſſioned officer or officers whatſoever, who ſerved in Ireland before the year one thouſand ſix hundred and forty nine, and hath hitherto received no part of ſatisfaction for ſuch his ſervice,

John Paine, notwithſtanding his acceptance of 100*l.* for his ſubſiſtence in the time of the uſurpers, ſhall have full ſatisfaction for his arrears before 1649, with the other officers.

ſervice, ſhall, may, or ought to receive; any clauſe, article, matter or thing whatſoever in this preſent act, or any other act mentioned or contained to the contrary thereof notwithſtanding.

Widow and adminiſtratrix of Sir Thomas Gifford to be ſatisfied for his arrears.

CLXV. Provided alwayes, and be it further enacted, That all arrears of pay grown due before the fifth day of June in the year one thouſand ſix hundred and forty nine, for which Sir Thomas Gifford baronet, deceaſed, was to have received ſatisfaction in caſe he had now been living, ſhall be ſatisfied unto Dame Martha Gifford, the relict and ſole adminiſtratrix of the ſaid Sir Thomas Gifford, her heirs and aſſignes, in ſuch and the ſame manner as the ſame ſhould or ought to have been ſatisfied to the ſaid Sir Thomas Gifford; any thing in the aforeſaid act or this preſent act contained, or any other matter or thing, to the contrary notwithſtanding.

Lord Mount Alexander to be repriſed for St. Woolſtan's evicted from him upon a decree of innocency of and conveyance by James Allen.

CLXVI. And whereas in and by the ſaid former act, the mannor, caſtle, town and lands of St. Woolſtownes, *alias* Allens Court, were intended to be ſettled upon Hugh earl of Mount-Alexander and his heirs, with benefit of reprizal in caſe of reſtitution, as adventurers by the ſaid former act ought to have had, as in and by the ſaid former act more at large appears; ſince which time the commiſſioners for execution of the ſaid former act have by their decree adjudged James Allen to be innocent, and reſtored the ſaid lands to the ſaid James Allen and his heirs, againſt which decree and appeal was made to his Majeſtie by a petition exhibited by William Montgomery eſq; on the behalf of the now earl of Mount-Alexander an infant, ſon and heir of Hugh late earl of Mount-Alexander; on hearing of which caſe, and on the defence made by colonel Richard Talbot, to whom part of the lands reſtored by the ſaid decree were for good and valuable conſiderations, and by ſufficient aſſurances in law, legally conveyed by the ſaid James Allen, his Majeſtie thought not fit to alter the ſaid decree, or weaken any of the ſaid aſſurances: his Majeſtie is therefore graciouſly pleaſed that it may be enacted, and be it enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall ſet out and allot, or cauſe to be ſet out and allotted, unto the now earl of Mount-Alexander, his heirs and aſſignes, ſo much other undiſpoſed forfeited lands as may be equal in quantity of acres unto two full third parts of the lands ſo evicted and recovered by decree as aforeſaid; and that letters patents ſhall be thereof paſſed in like manner, and ſhall be of like effect, as any other letters patents granted by virtue of this act are or ought to be.

No ſequeſtration or allotment of lands in Wicklow granted

CLXVII. And whereas in and by certain letters patents paſſed under the great ſeal of Ireland, and bearing date the ſeventh day of March in the twelfth year of the raign of his Majeſties royal

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Father, the territories and precinct of Feartry in the county of Wicklow, and certain other mannors, lands and tenements in the ſaid letters patents contained, were thereby given and granted unto Sir John Coke, knight, and his heirs, his late Majeſties principal ſecretary of eſtate; and whereas Thomas Coke, late of Grayes-Inn in the county of Middleſex, his Majeſties ſollicitor General, ſon of the ſaid Sir John Coke deceaſed, was in his life time lawfully ſeized of, or otherwiſe intituled unto, the ſaid territory and precinct of Feartry and other the lands and tenements in the ſaid letters patents contained, the inheritance whereof, after the death of the ſaid Thomas Coke deceaſed and did deſcend and come, or of right ought to have deſcended, and came unto —— Coke an infant, onely ſon and heir of the ſaid Thomas Coke deceaſed: be it therefore enacted by the authority aforeſaid, That no ſequeſtration or allotment of any of the lands or tenements, in the ſaid letters patents contained, to any adventurer or ſouldier, ſhall any way barr or weaken the right or title of him the ſaid —— Coke in or to the ſaid lands or tenements, but that he the ſaid —— Coke ſhall and may hold and enjoy the ſame to him and his heirs, according to the tenor and effect of the ſaid letters patents; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

by letters patents 12 *C.* 1. to Sir John Coke, ſhall prejudice the right of his heir.

Sir Simon Harcourt's heir to have 400*l. per ann.*

CLXVIII. And whereas in this and the ſaid former act great care is taken of the relict and heirs of Sir Simon Harcourt knight deceaſed, upon whom his Majeſties royal Father did, by letters under his privie ſignet, appoint that lands of the value of four hundred pounds *per annum*, to be taken out of the forfeited eſtate of Luke Nettervil, ſhould be ſettled, part of which eſtate, together with certain houſes in Dublin, were ſet out accordingly; and the relict and heirs of Sir Simon Harcourt thereof poſſeſſed at the time of his Majeſties late gracious declaration, and ſo ſtill are; which lands and houſes together are, as is alleaged, ſtill ſhort of the value of four hundred pounds *per annum*, intended to be ſettled as aforeſaid: it is therefore explained and enacted by the authority aforeſaid, That it ſhall and may be lawfull to and for Sir Philip Harcourt, knight, ſon and heir of Sir Simon Harcourt, knight, to hold and enjoy to him and his heirs, the houſes in the city of Dublin, ſo as aforeſaid ſet out and poſſeſſed, ſo as the houſes and lands together do not exceed the value of four hundred pounds *per annum*; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

1555 acres in Tipperary and Limerick, ſet out to Thomas Cunningham and

CLXIX. And whereas Thomas Cunningham and captain Lewis Dick, in the year one thouſand ſix hundred and forty two, pretended to have performed acceptable ſervices againſt the then rebels in Ireland, by hindering proviſion coming to them

by ſea, and by relieving the Engliſh garriſons which were in diſtreſs, wherein they ſo far gained belief, as that they obtained from the treaſurer for the Iriſh adventurers an acknowledgement that they paid in ſeven thouſand pounds as money adventured, and for which they likewiſe had a certificate from the committee of adventurers ſitting at Grocers-Hall in London: and howbeit the ſaid Thomas Cunningham or captain Lewis Dick never did any ſervice on the coaſt of Ireland, according to the ſaid undertaking, nor paid in any money as other adventurers did; yet by colour of the ſaid certificate, there were ſet out for the ſaid ſeven thouſand pounds the number of fifteen thouſand five hundred and fifty five acres of land in the county of Tipperary and Limerick, whereof they the ſaid Thomas Cunningham and captain Lewis Dick, or their aſſigns, were poſſeſſed the ſeventh of May one thouſand ſix hundred fifty and nine: now, leaſt by the general rule of the preſent ſettlement the ſaid number of acres, or two third parts thereof ſo unduly obtained as aforeſaid, ſhould be ſecured to the ſaid Thomas Cunningham and captain Lewis Dick, or their aſſignes, his Majeſtie is graciouſly pleaſed that it be enacted, and be it enacted by the authority aforeſaid, That the ſaid fifteen thouſand five hundred and fifty five acres ſo ſet out as aforeſaid, for and on pretence of the ſaid ſeven thouſand pounds, ſhall be, remaine and continue, and are hereby veſted in his Majeſtie, his heirs and ſucceſſors for ever: provided nevertheleſs that if the ſaid Thomas Cunningham and captain Lewis Dick, their heirs or aſſignes, ſhall within two months after the royal aſſent ſhall be actually given to this preſent bill, make it appear by full and cleare proof before the lord lieutenant, or other chief governour or governours and council of Ireland, that the ſaid adventure-money of ſeven thouſand pounds was really and *bona fide* iſſued and paid in, purſuant to the ſeveral acts made by his late ſacred Majeſtie for reducing the rebels of Ireland, then they ſhall have the like benefit and advantage by the ſaid adventure, and out of the ſaid fifteen thouſand five hundred and fifty five acres, as other adventurers are to have by virtue of this preſent act.

Lewis Dick for pretended ſervices in 1642, and adventure of 7000*l.* veſted in the King,

unleſs in two months they prove ſaid 7000*l.* to have been really paid.

CLXX. Be it further enacted by the authority aforeſaid, That the lord lieutenant, or other chief governour or governours of this kingdom for the time being, ſhall and may aſſeſs any ſum, not exceeding three pence per acre, in and out of every acre of profitable land of plantation meaſure, which is by the late court of claims, or ſhall be, purſuant to this or the former act, decreed or confirmed, or ſet out or delivered unto any perſon or perſons of the popiſh religion in this kingdom, and the ſame to cauſe to be levyed by diſtreſs or otherwiſe, and to be paid unto the re-

Three pence for every profitable acre ſet out to papiſts to be levied,

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ceivers herein after mentioned, to the intent that five thouſand pounds be paid to Milo Power, eſq; his executors, adminiſtrators and aſſignes, and that the reſidue may afterwards be iſſued out unto ſuch of the Roman catholicks of this kingdom, who, as agents or otherwiſe, ſince his Majeſtie's moſt happy reſtitution, ſhall by the lord lieutenant or other chief governour or governours be judged meriting the ſame, and that in ſuch proportions as the ſaid lord lieutenant or other chief governour or governours ſhall think fit and direct.

5000*l.* thereout to Milo Power,

Reſidue to ſuch papiſts, as agents, *&c.* as chief governors judge meriting.

CLXXI. Whereas colonel Cary Dillon hath been diſpoſſeſſed of two thouſand ſix hundred and four acres of land, whereof he was poſſeſſed the ſeventh of May one thouſand ſix hundred fifty and nine, as being ſet out unto him for ſervice in Ireland, and which were confirmed unto him by the ſaid former act, amounting to three hundred and fifty pounds *per annum*; and whereas the late lords juſtices had, by their two orders bearing date the eighteenth and nineteenth of July one thouſand ſix hundred ſixty and two, aſſigned certain lands in the county of Galway unto the ſaid colonel Cary Dillon for his reprizal of the whole, and alſo for ſatisfying of him three hundred and fifty pounds *ſterling*, which was one years rent of what he had loſt, grown due unto him from the time he had been diſpoſſeſſed, but the ſaid colonel Dillon received no benefit thereby: be it therefore enacted by the authority aforeſaid, That the commiſſioners appointed to put in execution this act ſhall forthwith ſet out and allot unto the ſaid colonel Cary Dillon, his heirs and aſſignes for ever, one thouſand ſeven hundred and thirty five acres of profitable forfeited lands, of twenty one foot to the pearch, being two third parts in quantity of what he hath already loſt as a ſouldier, and that the ſame do in preſent yield two full third parts of three hundred and fifty pounds *per annum*, being the value of what he hath loſt as aforeſaid, with as much convenience of building and other advantages thereon as they can, in regard of the conſiderableneſs of the places and buildings from whence he is removed, which ſhall be granted unto him by like letters patents as any other ſouldier by this act are to have; and if the ſaid commiſſioners ſhall think it neceſſary that a commiſſion be iſſued for the inquiry into the value of any lands, caſtles, tenements or other hereditaments, in order to the ſetting out of the ſaid reprize, the chancellor, or keeper of the great ſeal for the time being, are hereby required to iſſue the ſame; any thing in this act or the ſaid former act to the contrary notwithſtanding.

Cary Dillon being diſpoſſeſſed of lands of 350*l. per ann.* whereof he was poſſeſſed 7th of May 1659, confirmed by former act, to be repriſed two thirds of what he loſt, with advantages of building, *&c.*

if neceſſary, the chancellor to iſſue commiſſion of inquiry.

CLXXII. And whereas upon a ſolemn hearing before his Majeſtie at his council board in England, upon a petition exhibited by ſeveral adventurers and ſouldiers againſt Randal lord marqueſs of Antrim,

Lord Antrim without grounds decreed innocent,

Antrim, and againſt the judgement and decree given by the major part of the late commiſſioners for execution of the ſaid former act, whereby the ſaid marqueſs was adjudged innocent, his Majeſtie, after much time ſpent in the examination of the caſe, declared that he ſaw no cauſe why the ſaid marqueſs ſhould be adjudged innocent, much leſs that the commiſſioners, not at all conſidering the proofs which they heard againſt the ſaid marqueſs, ſhould lay the whole weight of their judgement upon his Majeſtie's certificate, the ſaid certificate being onely to declare that the marqueſs was imployed into Ireland to procure what forces he could from thence to be tranſported into Scotland for his late Majeſtie's ſervice under the late marqueſs of Montroſs, to the end that the converſation of the ſaid marqueſs of Antrim in the rebells quarters, which was neceſſary for that ſervice, might not, according to the letter of the former act, render him criminal, if that had been the onely, as it was the leaſt objection againſt him; and therefore his Majeſtie reſolved that the ſaid marqueſs of Antrim ſhould undergoe a new tryal; to prevent which, the ſaid marqueſs of Antrim, by an humble petition to his Majeſtie, did acknowledge himſelf guilty, and humbly beſought his Majeſtie, that he might be ſupported by his mercy, as being not able to ſupport himſelf by his own innocence: therefore his Majeſtie is pleaſed that it may be enacted, and be it enacted by the authority aforeſaid, That the ſaid decree, and all and every clauſe therein contained, ſhall be and ſo is hereby declared to be null and void to all intents and purpoſes, as if the ſame had never been had or made.

principally upon his Majeſty's certificate.

Cauſes of ſuch certificate.

The King intending a new trial, he threw himſelf on mercy, acknowledging his guilt,

ſaid decree declared void.

CLXXIII. Nevertheleſs, his Majeſtie reflecting upon the many ſervices heretofore performed by the ſaid marqueſs towards his royal Father of bleſſed memory, and ſome eminent ſervices done by the ſaid marqueſs for his Majeſtie himſelf, the ſaid marqueſs having, beſides aſſiſting him with arms and ammunition when he was in the weſt, furniſhed him with ſhips to make his eſcape into forraign parts, when his armies were defeated in the weſt, and conſidering that his Majeſtie's mercy is by this act extended to ſome who have as much demerited, is graciouſly pleaſed that it may be further enacted, and be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act, ſhall forthwith, and without ſtaying for any previous reprizall, ſet out, reſtore, and allot unto the ſaid marqueſs of Antrim, or cauſe to be ſet out, reſtored, and allotted unto the ſaid marqueſs of Antrim, all and ſingular the honors, mannors, caſtles, meſſuages, lands, tenements and hereditaments, and all other the eſtate, right, title and intereſt, whereof the ſaid Randall lord marqueſs of Antrim, or any other perſon in truſt for him, or to

But conſidering his eminent ſervices to the King and his Father, and that mercy has been extended to ſome who as much demerited,

he ſhall without previous repriſal be reſtored to an eſtate tail.

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his uſe, was ſeized or poſſeſſed on the two and twentieth of October one thouſand ſix hundred forty and one (the lands in the barony of Glanarme herein after mentioned to be reſtored to Alexander Macdonell, and alſo all impropriations and appropriate tithes excepted) and that the ſaid marqueſs of Antrim ſhall hold and enjoy all and ſingular the lands, tenements and hereditaments ſo reſtored unto him the ſaid marqueſs of Antrim (except before excepted) and the heirs males of his body begotten; any thing in this or the ſaid former act contained to the contrary notwithſtanding: ſubject nevertheleſs to ſuch debts and other incumbrances as the ſame were or ought to have been ſubject unto upon the ſaid twenty ſecond day of October one thouſand ſix hundred forty and one, and to ſuch leaſes and eſtates thereof made for ſatisfaction of creditors as are provided for in and by the ſaid former act, and to the payment of ſuch further quit-rents as any other lands within the ſame county or province are ſubject unto; and the commiſſioners for execution of this act are hereby required, with all convenient ſpeed, to ſet out and allot unto all and every the adventurers and ſouldiers, their heirs and aſſignes, who ſhall be diſpoſſeſſed by the reſtitution of the ſaid marqueſs, ſo much other forfeited land as may be ſufficient to reprize and ſatisfie the perſons, ſo to be removed, for their ſeverall and reſpective two full third parts which will be due to them by the rules of this act.

Glanarme reſtored to Alexander Mc Donell, and tithes excepted,

ſubject to debts and incumbrances, 22d October 1641, and to leaſes, &c. for creditors, by former act, and to quit-rents.

Adventurers, &c. removed, to be repriſed two thirds.

CLXXIV. And for the better enabling the ſaid marqueſs of Antrim to pay his debts, when he ſhall be reſtored, by ſale of land or otherwiſe, which cannot well be done unleſſe the reverſion or remainder in fee, expectant upon the ſaid eſtate tayle, be taken out of the crown: it is therefore enacted by the authority aforeſaid, That all and ſingular the lands and tenements, ſo as aforeſaid appointed to be reſtored, and all and every the reverſion and reverſions, remainder and remainders thereof, ſhall be and are hereby veſted and ſettled in Alexander Mac Donnell, brother of the ſaid marqueſs, and his heirs, as a remainder in fee expectant upon the death of the ſaid marqueſs without iſſue male.

To enable lord Antrim to pay his debts, the reverſion in fee taken out of the crown, and veſted in Alexander Mc. Donnel.

CLXXV. Provided always, and it is hereby enacted, That no fine, recovery, or other act or thing whatſoever to be done or ſuffered by the ſaid marqueſs, (other than leaſes for one and forty years or three lives in poſſeſſion and not in reverſion, whereupon the higheſt improved rent which the ſame were let for in the year one thouſand ſix hundred thirty and five, ſhall be reſerved) touching or concerning any the meſſuages, lands, tenements or hereditaments ſituate, lying within the barony of Donluce in the county of Antrim, ſhall any way

extend to barr, diſcontinue, defeat or incumber the remainder thereof intended by this act to be ſettled upon the ſaid Alexander, but that the ſaid meſſuages, lands, tenements and hereditaments in the barony of Donluce in the county of Antrim, ſhall after the death of the ſaid marqueſs without iſſue male of his body, remain and be in the ſaid Alexander Mac Donnel and his heirs; any ſuch fine, recovery, or other act or thing done or ſuffered to the contrary notwithſtanding: nevertheleſs it is hereby declared, that as to all other the lands and tenements, ſo as aforeſaid to be reſtored, it ſhall and may be lawful to and for the ſaid marqueſs, by fine, recovery, or any other way he ſhall think fit, to bar, diſcontinue, defeat or incumber the remainder thereof ſo limited and ſettled as aforeſaid.

Lord Antrim may bar or incumber the remainder in all ſaid lands, except Donluce, which ſhall only be incumbered by leaſes 41 years or 3 lives, in poſſeſſion, whereon the higheſt rent as let in 1635 reſerved.

CLXXVI. Provided alwayes and it is enacted, That nothing herein contained ſhall any way extend to reſtore the ſaid marqueſs of Antrim to the poſſeſſion of any lands, which he the ſaid Marqueſs, or his father, did heretofore grant or convey in fee farm to any forfeiting perſon or perſons not declared innocent, or to the poſſeſſion of any lands whereof he the ſaid marqueſs, or his father, did make any leaſe for lives or years to any forfeiting perſon or perſons not declared innocent, during the lawful continuance of ſuch leaſe; but that the lands ſo granted in fee farm, or demiſed as aforeſaid, ſhall be put into the poſſeſſion of ſuch perſon and perſons, for and towards the ſatisfaction of their two third parts, as would have been intitled to the ſame, if the ſaid decree had not been made, nor the ſaid marqueſs hereby reſtored; any thing herein before contained to the contrary notwithſtanding; ſaving to the ſaid marqueſs and his heirs, the rents and ſervices due and to be due for the premiſſes.

Not to be reſtored to fee farm or leaſes to forfeiting perſons not declared innocent, which ſhall go to perſons intitled in ſatisfaction of their two thirds.

Saving lord Antrim's rents and ſervices.

CLXXVII. Provided alſo that nothing herein contained ſhall any way extend to bar or hinder Roſe lady marqueſs of Antrim of her right and title of dower of, in, or to any the lands, tenements, or hereditaments ſo as aforeſaid to be reſtored; but that it ſhall and may be lawful to and for the ſaid lady marqueſs, after the death of the ſaid lord marqueſs her huſband, to ſue for and recover her dower of the ſaid lands and tenements; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Lady Antrim's dower not barred hereby.

CLXXVIII. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith, and without ſtaying for any previous reprizal, ſet out, reſtore and allot, or cauſe to be ſet out reſtored and allotted, unto the ſaid Alexander Mac Donnel and his heirs, all and

Alexander Mc. Donnel reſtored without previous reprisal to Glanarm,

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ſingular the lands, tenements and hereditaments in the barony of Glanarm in the county of Antrim, which were ſettled or intended to be ſettled upon him the ſaid Alexander Mac Donnel by his late father, and all other the eſtate, right, title, and intereſt whereof he the ſaid Alexander Mac Donnel, or any other in truſt for him, was ſeized or poſſeſſed upon the twenty ſecond day of October one thouſand ſix hundred forty and one (impropriations and appropriate tythes excepted) ſubject to the debts and incumbrances of him the ſaid Alexander Mac Donnel, and ſuch other debts as were thereupon charged by the father of the ſaid Alexander, and lyable to a proportionable part of the rent-charge granted to Alice counteſs of Antrim, and to ſuch quit-rents as by this act are payable for lands in the ſame province; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

Tithes excepted.

ſubject to debts, quit rents, and a proportion of rent charge to lady Antrim.

CLXXIX. And to prevent all riots or diſturbances, which may happen in taking or keeping poſſeſſion of the premiſſes, before the final ſettlement thereof; it is further declared, that ſo much of the premiſſes hereby intended to be reſtored to the ſaid marqueſs, whereof the ſaid marqueſs by himſelf or his under-tenants was in poſſeſſion upon the firſt of July one thouſand ſix hundred ſixty and five, ſhall remain and continue in his and their poſſeſſion, until reſtitution be thereof made by the commiſſioners as aforeſaid; and that the adventurers and ſouldiers, their heirs and aſſignes, may retain ſo much of the premiſſes hereby intended to be reſtored to the ſaid marqueſs, and the ſaid Alexander Mac Donnel, whereof they were in poſſeſſion the ſaid firſt of July one thouſand ſix hundred ſixty and five, until reſtitution be thereof made by the ſaid commiſſioners, as aforeſaid; and that Alexander Mac Donnel may enter upon all the premiſſes hereby intended to be reſtored to him, which are not in poſſeſſion of adventurers or ſouldiers, their heirs or aſſignes, and the ſame to retain and keep in his poſſeſſion until reſtitution thereof be made by the commiſſioners as aforeſaid.

To prevent diſturbances, ſo much ſhall be retained as in poſſeſſion the 1ſt July 1665, till reſtitution by commiſſioners.

CLXXX. And be it further enacted by the authority aforeſaid, That the manner of Edenduffcarick, and all other the lands, tenements and hereditaments in the baronies of Toom and Antrim, which were given and bequeathed to Roſe lady marqueſs of Antrim, by the laſt will and teſtament of Sir Henry O Neile her deceaſed father, ſhall be held and enjoyed by the ſaid lady marqueſs and her heirs; any proſecution had againſt the ſaid lord marqueſs her huſband, or any other matter or thing in this or the ſaid former act contained to the contrary notwithſtanding.

Lady Antrim to enjoy the lands bequeathed to her by her father.

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Robert Clayton and John Morris to hold lands in Wexford (veſted in them by the former act) againſt Patrick Colclough reſtored thereto by decree of court of claims, iron works being erected there, which are of publick benefit.

CLXXXI. Whereas by a decree of the late court of claims, Patrick Colclough was reſtored to an eſtate in the county of Wexford, in remainder after the death of Dudley his father, part of which was by a clauſe in the ſaid former act veſted in Robert Clayton and John Morris in truſt for Sir John Cutler and others in the ſaid act mentioned, and had before that time been purchaſed from ſouldiers or other reprizable perſons, in order to the erecting of iron works which have ſince accordingly been erected, and are of publicque benefit to this nation, and the increaſe of his Majeſties revenue, and if the ſaid decrees ſhould remaine in full force, the ſaid advantages might be loſt: for the preſervation thereof, it is therefore enacted, and be it enacted by this Parliament, That the ſaid John Morris and Robert Clayton ſhall and may have, hold, and enjoy ſuch part of the lands contained in the ſaid Patrick Colclough's decree, as they were formerly ſeized of, againſt the ſaid Patrick and Dudley, and their heirs, and againſt the ſaid decree made as aforeſaid.

Colclough to have the benefit of reprisal,

till when lands chargeable with 100l. per *annum* to him.

CLXXXII. And it is further enacted, That in lieu and compenſation thereof, the ſaid Patrick Colclough ſhall have the full benefit of the reprizal due to the ſaid John Morris and Robert Clayton upon the ſaid decree; and that until the ſaid reprizals ſhall be ſet out, that the ſaid lands, hereby ſettled on the ſaid John Morris and Robert Clayton, ſhall be chargeable and are hereby charged with the annual rent of one hundred pounds payable yearely on the firſt dayes of May and November, and made lyable to the diſtreſs of the ſaid Patrick upon non payment thereof at the ſaid dayes of payment; and that as ſoon as the ſaid reprizals ſhall be ſet out as aforeſaid, the ſaid yearly rent ſhall ceaſe and abſolutely determine.

To keep up ſaid iron works, Morris and Clayton ſhall hold former proprietor's eſtate, who is to be elſewhere repriſed.

CLXXXIII. And to the end that the ſaid iron works may be kept up, it is likewiſe enacted, that if the ſaid former or ancient proprietor, or his heir, of any the lands, whereof the ſaid John Morris and Robert Clayton are now ſeized in the ſaid county of Wexford, ſhall be or is by this act reſtored to his eſtate, then and in ſuch caſe the ſaid John Morris and Robert Clayton and their heirs ſhall notwithſtanding have, hold and enjoy ſuch part of the ſaid former proprietors eſtate as they now ſtand ſeized of, and the ſaid proprietor for ſo much is elſewhere to be reprized; any thing in this preſent act, or any other act of Parliament contained to the contrary in any wiſe notwithſtanding.

Sir George Lanes agreement with Philip Hore confirmed.

CLXXXIV. Whereas his Majeſtie by ſeveral letters patents under his great ſeal of Ireland, whereof one patent was dated the ſixteenth of February one thouſand ſix hundred and ſixty in

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the thirteenth year of his Majeſties raign, the other dated the tenth day of July one thouſand ſix hundred and ſixty three in the fifteenth year of his Majeſties raign, did amongſt other things give, grant and confirm, or mentioned or intended to give, grant and confirm unto Sir George Lane knight, and his heirs, all the caſtles, mannors, houſes, lands, tenements and hereditaments, and other intereſt whatſoever, which Philip Hore late of Kilſalchan, attainted of high treaſon, was ſeized or poſſeſſed of at the time of his ſaid attainder, ſince which time two ſeveral decrees have been made in the late court of claims in this kingdom, to the prejudice of the ſaid grants, one at the ſuite of the ſon and daughters of the ſaid Philip Hore attainted, for portions, and the other at the ſuite of the ſons of Philip Hore the younger, ſon to the ſaid Philip attainted, for ſeveral remainders, which decrees were, upon a petition exhibited to his Majeſtie by the ſaid Sir George Lane, queſtioned, and on hearing of the cauſe it was ordered that the ſaid Sir George Lane ſhould be at liberty to impugne the ſaid decrees by any matter in fact or law that he could object againſt them, whereupon the ſaid Philip Hore the younger, who made defence in the ſaid cauſe before his Majeſtie, and the ſaid Sir George Lane did mutually agree, for avoiding of all future differences touching that matter, that all the ſaid eſtate and intereſt ſhould be divided, and a ſhare thereof ſettled on the ſaid Sir George Lane and his heirs, for quitting his whole pretenſe and right to that eſtate, and the remain thereof ſettled on the ſaid Philip Hore the younger and his heirs for all his pretenſes, and the pretenſes likewiſe of his brothers, ſiſters and children to that eſtate; which agreement the ſaid parties did by their joint petition humbly deſire to be eſtabliſhed by ſeveral proviſoes in this act: whereupon his Majeſtie was graciouſly pleaſed that it ſhould be enacted by the authority aforeſaid, and it is hereby enacted, that the ſaid ſeveral decrees be and are hereby made null and void, as if there had never been any ſuch, and that the ſaid Sir George Lane ſhall be and is hereby reſtored unto, ſettled, confirmed and eſtabliſhed in the preſent and actual ſeizin and poſſeſſion of the mannor, caſtle, town and lands of Kilſalchan, with a windmill and ſix meſſuages, containing by eſtimation three hundred acres of land, be it more or leſs, within the county of Dublin, with a court leet and court baron to be held within the ſaid mannor of Kilſalchan; the meadow called the lords mead in the fields of Stradbally; a meſſuage and ten acres of land in Stradbally aforeſaid in the fields thereof next adjoyning to the lords mead aforeſaid; and all other the ſaid Philip Hores lands in Stradbally aforeſaid,

Part of the eſtate of Philip Hore the elder (attainted) ſettled in Sir George Lane,

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aforeſaid, now or late in the tenure or poſſeſſion of John Murphy, John Quin and Walter Ryan, or one of them; one meſſuage and forty acres of land with the appurtenances in Swords; one meſſuage and five acres of land in Rolls town; two meſſuages, one pigeon houſe, one hundred acres of land, ten acres of meadow, and ten acres of paſture, with the appurtenances in Ardlaw; nine meſſuages, nine gardens, and one hundred acres of land, with the appurtenances in Stradbally, commonly called Bealings land in Stradbally; the village, hamlet and lands of Great Kingſton, with the appurtenances, containing by eſtimation one meſſuage and fourſcore acres of land, two houſes with gardens, and a park or orchard, commonly called Pond park, to them belonging, in Newſtreet in the ſuburbs of the city of Dublin; one cloſe or park commonly called Barries park, without Bongans Gate, all lying and being in the pariſh of St. Nicholas, barony of Upperoroſs, and county of Dublin; fifty ſhillings yearly rent iſſuing out of the manner of Weſtpalſtown; nine pence chief rent out of the lands of Criuſeruth; nine pence chief rent out of the lands of Knightfield; and thirteen ſhillings and four pence chief rent out of Dowdes land, Bealings land, and Talbots land in Stradbally aforeſaid; the town and lands of Paſlockes-town and Maces-town in the aforeſaid county; the town and lands of Kilmore in the barony of Coolook and county aforeſaid, by virtue of a mortgage from one Chriſtopher Nugent of Robins-town, in conſideration of one thouſand four hundred pounds; all which lands, tenements, hereditaments and chief rents, are ſituate, lying and being within the county of Dublin aforeſaid; and alſo of three meſſuages, two ſtables, one piece of waſte ground, one garden, and other edifices neer the ſaid ſtable, in the pariſh of St. Bridget, ſometimes in the poſſeſſion of William Badger, or his undertenants, within the county of the city of Dublin, and ſuburbs or liberties thereof; two meſſuages with the appurtenances in Oxmantown, in the pariſh of St. Michans, ſometimes in the poſſeſſion of Peter Decoſter; one brick houſe, three meſſuages covered with ſtraw in Oxmantown aforeſaid, which Patrick Martin and Peter Decoſter ſometimes held; one meſſuage or tenement in Mary Lane in Oxmantown aforeſaid, which James Lewſly ſometimes held; one ſlated meſſuage, and one ſtable in Pill Lane in Oxmantown, which the aforeſaid James Lewſly ſometimes held; one brick houſe with the appurtenances in Pill Lane in Oxmantown, ſometimes in the poſſeſſion of Margaret Lewſly deceaſed; one other brick houſe and garden, two ſeveral cottages upon Cock-hill neer St. Mary Abbey, which John Fiſher Taylor formerly held; one meſſuage with the ap-

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purtenances in Mary Lane in Oxmantown, ſometimes in the poſſeſſion of John Arundell; one meſſuage with the appurtenaces in Mary Lane aforeſaid, ſometimes in the poſſeſſion of Barbara Bath; two meſſuages with the appurtenances in Pill Lane in Oxmantown, which Edward May deceaſed ſometimes held; one ſhop or room in Highſtreet under the houſe wherein Robert Dowling formerly lived, which ſhop was held by John Jourdan; one thatch't houſe or meſſuage with the appurtenances in St. Mary Abbey, in the pariſh of St. Michans, which John Hore ſometimes held; a meſſuage with the appurtenances in Highſtreet, in the pariſh of St. Michaels, ſometimes in the poſſeſſion of Richard Barry of Dublin Alderman; one piece of waſte land in Bull Lane in Oxmantown, formerly in the poſſeſſion of John Moore merchant; one piece of waſte ground whereon two meſſuages were built in St. Francis Street, formerly in the poſſeſſion of William Lock; one meſſuage or tenement with one garden and the appurtenances in Oxmantown neer Fiſhers Lane, in the poſſeſſion of George Carleton eſquire; one garden or waſte plot of ground in Cookſtreet, in the pariſh of St. Audeons, upon which are now houſes built by one Robert Euſtace, and now in the poſſeſſion of Bryan Jones eſquire; one meſſuage or tenement with the appurtenances on the merchant quay, in the pariſh of St. Audeons, ſometimes in the poſſeſſion of John James and others, which the ſaid Philip Hore held from Chriſtopher Chilham of Drogheda merchant for certain years yet to come, yielding thereout yearly to the ſaid Chriſtopher and his heirs nine pounds *ſterling*, at the feaſts of Eaſter and St. Michael the Archangel, which rent the ſaid Chriſtopher did mortgage unto the ſaid Philip for ninety pounds *ſterling*; one piece of ground called the bean yard in Oxmantown in the pariſh of St. Michans, late in the poſſeſſion of Sir Antony Morgan knight; one houſe on the pavement in Oxmantown aforeſaid, leading to Youngs caſtle, ſometimes in the poſſeſſion of Walter Scanlon; all which houſes, tenements and premiſſes are ſituated, lying, and being within the city and county of the city of Dublin, or in the county of the city of Dublin, or in the ſuburbs or liberties thereof, together with all other the houſes, lands, tenements, and intereſt formerly belonging or in any ways appertaining to the ſaid Philip Hore within the ſaid city and county of the city of Dublin, the ſuburbs and liberties thereof; and alſo the town and lands of Bulls-town, the town and lands of Clatters-town, with a water-mill and pigeon-houſe, and part of the town and lands of Cales-town, the towns and lands of Bewtown and Swines-deane, all lying and being in the county of Meath; and all other the

lands, tenements and hereditaments formerly belonging or appertaining to the ſaid Philip Hore in the ſaid county of Meath; and that he the ſaid Sir George Lane, his heirs, executors or adminiſtrators reſpectively, ſhall have, hold, poſſeſs and enjoy all and ſingular the premiſſes, with all the rights, members and appurtenances, rents, iſſues and profits, and all other advantages whatſoever to them and every of them belonging or appertaining, to the uſe of him the ſaid Sir George Lane, his heirs, executors, adminiſtrators and aſſigns reſpectively, ſubject to ſuch rents and ſervices as the ſame are liable unto by this act; and the ſaid ſeveral and reſpective letters patents, as to all things therein contained, and not herein after changed or altered, ſhall be and are hereby ratified and confirmed; any thing in this preſent act, or any other former act, cauſe, matter or thing to the contrary notwithſtanding.

Part in Philip Hore the younger, reſtored in blood.

CLXXXV. And be it further enacted by the authority aforeſaid, That the ſaid Philip Hore, the ſon, ſhall be and is hereby reſtored to his blood, and ſhall and may derive his pedigree and deſcent from all and every of his anceſtors lineal and collateral, other than as to the premiſſes ſo ſettled on the ſaid Sir George Lane as aforeſaid; and that he the ſaid Philip Hore ſhall be and is hereby reſtored unto, ſettled, confirmed and eſtabliſhed in the actual and preſent ſeizen and poſſeſſion of the town and lands of Caſtlenock and Iriſhtown, with a mill and ſalmon wyer thereunto belonging on the Liffy, Hartſtown, Stahenny, Caſtle-Curragh, *alias* Curragh, Ballidowde, Rickinhead, Balliboggon, Luſk, *alias* Luſks land, Rath, Lucaſtown, The Logh, *alias* Loghes Hill, *alias* Bullogs land, the Rath of Killoſery, *alias* Aſhborn-Rath; two Watermills in the town of Killoſery, with three acres of land thereunto belonging: Blackhall, containing ſixty acres, lying in the pariſh of Killoſery; Beauford with twenty acres thereunto adjoyning, late in the tenure of Walter Ryan and John Ryan, and now leaſed by the ſaid Philip Hore to Richard ——— Shoomaker; Correſtowne ſixty acres, Coolcoigh, Dunmucky; and the twenty acres, *alias* Thornetown, Chappell Midway; one ſhilling chief rent out of Killmartin, eight pence chief rent out of Aſhtowne in the county of Dublin; as alſo ſhall be and is hereby reſtored unto, ſettled, confirmed, and eſtabliſhed in the actual and preſent ſeizin and poſſeſſion of one burgage in St. Maryes pariſh in the town of Wexford; one toft called Allens walls in St. Peters pariſh in the ſaid town of Wexford; one waſte meſſuage and fifteen acres of land called Farrans-town, *alias* Lackans land in Taghmon; the mannors of Skallriſh, *alias* Ballimaſkalriſh, and Kildowan, containing the caſtle, town and lands of Drinagh, Ablinſtown, Stapoleſ-

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town, Doumſhtown, Mill-town, Whits-town, Levets-town, Rowstown, Kellis-town, Synotts-town; in Great Killian twenty acres, in Whits-town called Morriſgate, forty acres, in Jackets-town, little Ballifenack, Morrens-town, Gurtchyninino, Quoans-town, Polebreane, Fardeles-town, the commons of Drynagh containing ſixty five acres, Bogganſtown, Carran in Carne, containing two acres, Cullentragh, a plott of ground on the caſtle hills in Wexford, Balleſhellan, Martells-knock, Graigſhallagh, little Johnſtown, the Dirr, Youngeſtown, Harvieſtown, and the mill thereunto belonging, Pole-Hore, Bolgerſtown, and Muthy-wood, and Mullinderry with the appurtenances, all lying and being in the county of Wexford; and that he the ſaid Philip Hore ſhall have, hold, poſſeſs and enjoy all and ſingular the premiſſes to him and his heirs againſt the King's Majeſty, his heirs and ſucceſſors, and againſt the ſaid Sir George Lane and heirs, and all claiming by, from, or under them, or any of them by virtue of this or the ſaid former act, with all the rights, members and appurtenances, rents, iſſues and profits, and all other advantages whatſoever to them and every of them belonging and appertaining, to the uſe of him the ſaid Philip Hore, his heirs, executors and adminiſtrators reſpectively for ever, ſubject unto ſuch rents and ſervices as the ſame are lyable unto by this act; this preſent act, or any other act, law, ſtatute, ordinance, order, grant, decree, outlawry, attainder, record, proviſion, ſequeſtration, diſtribution, allotment, judgement or conviction, or any other clauſe, matter or thing to the contrary notwithſtanding.

Sir George Hamilton to have 5000l. arrears for his ſervices, tho' not ſtated, but by conſent between him and other officers ſerving before 1649, reduced thereto.

CLXXXVI. His Majeſtie having taken to his princely conſideration the many faithfull and acceptable ſervices of Sir George Hamilton, knight, performed aſwell to his late Majeſtie of glorious memory, as to himſelf in the wars of Ireland, and that in ſeveral qualities, as captain of horſe, colonel and captain of foot, governour of the caſtle of Nenach, and other capacities, for which there were arrears to great value accrued to the ſaid Sir George Hamilton before and after the fifth of June one thouſand ſix hundred forty and nine, which, though not ſtated, are, by agreement and conſent between him and other the commiſſioned officers and truſtees ſerving in Ireland before that time, reduced to five thouſand pounds *ſterling*: be it therefore enacted by the authority aforeſaid, That the ſaid Sir George Hamilton ſhall in full ſatisfaction of all perſonal arrears due unto him for his ſervice in Ireland, in the ſeveral imployments he had there before and after the ſaid fifth day of June one thouſand ſix hundred forty and nine, be ſatisfied the ſum of five thouſand pounds *ſterling*, out of the ſecurity ſet apart and deſigned by this, and

the

the ſaid former act, for ſatisfaction of the arrears of ſuch commiſſioned officers as ſerved his Majeſtie or his ſaid royal father in the wars of Ireland at any time before or after the fifth of June one thouſand ſix hundred forty and nine, in ſuch manner as by the ſaid agreement is directed; this act, or any other act, or matter to the contrary notwithſtanding.

Grants by particular clauſes in the former act, or by letters patents, and confirmed by this, whereof a third hath not been already evicted, ſhall be good for two thirds only.

CLXXXVII. Provided always, and be it enacted by the authority aforeſaid, That where any lands, tenements or hereditaments, which were ſeized, ſequeſtered, or ſet apart upon account of the late rebellion or warr, have been given and granted by any particular clauſe or proviſion in the ſaid former act mentioned, or by any letters patents under the great ſeale of England, or under the great ſeal of Ireland, to any perſon or perſons, whoſe eſtates therein were confirmed by the ſaid former act, or are confirmed by this preſent act, and whereof a third part hath not been already evicted by ſome decrees herein confirmed, (the lands granted to his royal Highneſs James duke of York, George duke of Albemarle, Arthur earl of Angleſey, Roger earl of Orrery, Charles late earl of Mountrath, Richard lord baron of Coloony, Charles late earl of Falmouth, Theobald earl of Carlingford, Henry lord Arlington, John lord Kingſton, Chidley Coot and Thomas Coot, eſquires, the relict and heirs of Sir Simon Harcourt, and the relict and children of colonel George Cook, Sir William Penn, Sir Theophilus Jones, Sir George Ayſcough, the orphans of colonel Owen O Conell, Sir George Rawdon baronet, Sir George Lane, Edward Vernon, eſq; Eraſmus Smith, eſq; and the lands conveyed or mentioned to be conveyed by John Parker to certain truſtees for pious uſes, which truſtees are hereby made reſponſible to the lord lieutenant, or other chief governour and governours and councill there for the time being, touching the execution and performance of the ſaid charity, and the lands granted to any perſon or perſons in ſatisfaction of arrears due for ſervice done in Ireland, or in ſatisfaction of any debt owing to them for proviſions for the army or navy in Ireland, and the lands which by the ſaid former act are reſtored to former proprietors onely excepted) that there and in ſuch caſes, the ſaid proviſoes, clauſes, grants and letters patents ſhall be underſtood, and ſo are hereby declared to be good and valid for no more than two full third parts of the lands, tenements and hereditaments therein mentioned, and thereby granted, and as to one third part of the lands, tenements, and hereditaments therein contained, ſhall be and ſo are hereby declared to be null and void; any thing in the ſaid proviſoes, clauſes, letters patents, or in the ſaid former act, or in this preſent act contained to the contrary notwithſtanding; nevertheleſs ſuch grantees, and all thoſe who claim under them, ſhall have like liberty of retrenchment, and

Particular grants excepted.

but the grantees to have like liberty of retrenchment as adventurers, &c.

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in like manner and form as adventurers and ſouldiers are to have by the rules of this act; and the third part, ſo as aforeſaid to be retrencht, ſhall remain and be veſted in his Majeſtie, his heirs and ſucceſſors, to be diſpoſed and applyed to ſuch uſes as other forfeited lands by this act ought to be; any thing herein before contained to the contrary notwithſtanding.

Third part veſted in the King to be diſpoſed as other forfeitures.

CLXXXVIII. Provided alſo, and be it enacted by the authority aforeſaid, That out of all the lands which have been decreed to any Iriſh papiſt, popiſh recuſant, or Roman catholick, by virtue of any decrees not grounded upon ſome particular proviſo in the ſaid former act, and made by the commiſſioners for execution of the ſaid former act, after the ſecond day of July in the year of our Lord one thouſand ſix hundred ſixty and three, and herein confirmed, one year's rent according to the vallues the ſame were let at in the year one thouſand ſix hundred fifty and nine, over and above all other the rents and payments by this act impoſed or made levyable, ſhall be raiſed and levyed, and paid unto the receivers hereinafter mentioned, by two even and equal payments; the firſt payment thereof to begin upon the firſt day of November, which ſhall be in the year of our Lord one thouſand ſix hundred ſixty and ſeven; and the ſecond payment thereof to be upon the firſt day of November, which ſhall be in the year of our Lord one thouſand ſix hundred ſixty and eight, under the penalty following; that is to ſay, every perſon lyable to the payment of any part of the ſaid years rent, and making default, and failing to pay the ſame by the ſpace of twenty days next after any the days and times wherein the ſame ought to be paid, ſhall be chargeable and is hereby charged with double the ſum which ought to have been paid as aforeſaid, to be levyed by proceſs out of his Majeſties court of Exchequer, in like manner as any other the rents herein before impoſed or appointed to be levyed; and the ſaid receivers herein after mentioned are to pay the moneys by them received from time to time unto Arthur earl of Angleſey, vice-treaſurer of Ireland, or unto the vice-treaſurer of Ireland for the time being; and the ſaid Arthur earl of Angleſey, or the vice-treaſurer of Ireland for the time being, is hereby appointed to iſſue out and pay all and ſingular the moneys which by virtue of this clauſe ſhall be received and paid in, or otherwiſe levyed as aforeſaid, unto ſuch Iriſh papiſts, popiſh recuſants and Roman catholicks, as ſerved under his Majeſties enſigns abroad, and are particularly mentioned in the late declaration, and were ſeized of or intitled unto any lands, tenements or hereditaments, upon the three and twentieth of October one thouſand ſix hundred forty and one, to which they are not yet reſtored, and in ſuch parts and proportions as the lord lieutenant

*Out of lands decreed to Iriſh papiſts by decrees, not grounded on particular proviſo in former act, and made after 2 July 1663, one year's rent (as let in 1659) to be levied by two payments,

double the ſum on default.

Receivers to pay to the vice-treaſurer,

to be iſſued out, as chief governors direct, to ſuch Iriſh papiſts as ſerved under the King abroad, particularized in the declaration, and intitled to lands 23 October 1641, to which not yet reſtored.

or

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or other chief governour or governours of Ireland for the time being ſhall direct and appoint.

To increaſe the ſtock of undiſpoſed forfeitures, and that more old proprietors may be reſtored, the King releaſes his right to forfeited lands in ſatisfaction of lapſed moneys by forfeited ſubſcriptions veſted in the King by former act,

CLXXXIX. And whereas in the ſaid former act it is provided, that the ſum and ſums of money which have been forfeited by any adventurer or adventurers, by reaſon he or they did not ſatisfie or pay in their full proportions or ſums of money reſpectively ſubſcribed by them, according to the tenor of the acts of Parliament of the ſeventeenth and eighteenth of King Charles the firſt, be and are hereby veſted and ſettled in his Majeſtie, his heirs and ſucceſſors, as in and by the ſaid act more fully appeareth; which forfeited ſubſcriptions, adventures or ſums of money are commonly called by the name of lapſed money: and whereas his Majeſtie for the better increaſing of the ſtock of undiſpoſed forfeited lands, and to the end that more of the ancient and former proprietors may come to be reſtored, is graciouſly pleaſed to relinquiſh his ſatisfaction of the ſaid lapſed money by or out of any forfeited lands to be therefore ſet out, and to accept of the ſum of thirty thouſand pounds *ſterling*, to be paid unto his Majeſtie in lieu and recompence thereof: be it therefore enacted by the authority aforeſaid, that his Majeſtie's right and title in and to any forfeited lands, in recompence of and ſatisfaction for the ſaid lapſed moneys ſhall be and is hereby releaſed and diſcharged; and further, that it ſhall and may be lawful to and for the lord lieutenant, and other chief governour or governours of Ireland and council there for the time being, to aſſeſs and impoſe upon all and every the lands, tenements and hereditaments, which by virtue of this act ſhall be reſtored or confirmed to any former proprietors of the popiſh religion, or granted to any the Roman catholicks of Ireland, ſuch further and other ſums as they ſhall think fit for the raiſing and levying of thirty thouſand pounds *ſterling*, in the moſt equal and indifferent way that may be, to be paid unto the receiver hereinafter mentioned by two even and equal payments, the firſt payment thereof to begin upon the firſt day of May, which ſhall be in the year of our lord God one thouſand ſix hundred ſixty and ſix; and the ſecond day of payment to be upon the firſt day of November, in the year of our Lord one thouſand ſix hundred ſixty and ſix; and in caſe any perſon or perſons lyable to the payment of any part of the ſaid thirty thouſand pounds, ſo as aforeſaid to be aſſeſſed and impoſed, ſhall make default of payment by the ſpace of one and twenty days next after any the days and times wherein the ſame ought to be paid, then the perſon ſo making default ſhall be chargeable and is hereby charged with double the ſum which ought to have been paid as aforeſaid; and the vice-treaſurer of Ireland for the time being ſhall iſſue out and pay, or

chief governors and council to raiſe 30,000l. upon lands reſtored to old proprietors or granted to Iriſh papiſts,

in moſt indifferent way,

by 2 equal payments,

defaulters to pay double.

Vice-treaſurer to pay thereout 3000l. to Rd. Stratford,

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or cauſe to be iſſued out and paid, unto Richard Stratford of London, gentleman, his executors, adminiſtrators and aſſigns, the ſum of three thouſand pounds *ſterling*, and the reſidue thereof being twenty ſeven thouſand pounds, and all other the forfeitures and penalties which ſhall be incurred for non payment of the ſaid thirty thouſand pounds, unto ſuch perſon and perſons, and to and for ſuch uſes as the ſaid lapſed moneys, or the lands to be ſet out in ſatisfaction of the ſame, were or ought to have been granted in purſuance of his Majeſties ſeveral and reſpective letters under his royal ſignet, bearing date upon the tenth, or eleventh, or the twelfth day of February in the fourteenth year of his Majeſties reign, and in the year of our Lord one thouſand ſix hundred ſixty and two, or by any other letters under his Majeſties royal ſignet, or by any letters patents to Roger earl of Orrery or others; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

the reſidue to ſuch perſons and uſes as by letters patents.

CXC. And be it further enacted by the authority aforeſaid, that all the cuſtoms, duties and impoſitions of what nature or kind ſoever, which are or ſhall be due for any goods, wares or merchandize imported into, or exported out of the ports and havens of Strangford and Ardlaſs, or either of them, or any the members thereof, or creeks thereunto belonging, heretofore the inheritance of Wentworth late earl of Kildare, and by him ſold unto his Majeſtie, ſhall be and are hereby veſted in the King's Majeſtie, and ſhall be held and enjoyed by his Majeſtie, his heirs and ſucceſſors; any defect in the conveyance thereof to his Majeſtie, or other matter or thing to the contrary notwithſtanding.

Cuſtoms of Strangford and Ardlaſs ſold by lord Kildare to the King, confirmed to him.

CXCI. And be it further enacted by the authority aforeſaid, That the capital meſſuage, mills mannors, towns and lands of Chappel Izzard, *alias* Izzod, with all the rights, members and appurtenances thereof heretofore conveyed, or mentioned to be conveyed, or contracted for, by or in behalf of the King's Majeſtie, and agreed to be conveyed by Sir Maurice Euſtace, knight, late lord chancellor of Ireland, unto the King's Majeſtie, and for which part of the purchaſe money hath been paid by the King's Majeſtie unto the ſaid Sir Maurice Euſtace in his life time, ſhall upon payment of the reſidue of the purchaſe money unto the lawful executors of him the ſaid Sir Maurice Euſtace, be and is hereby veſted in the King's Majeſtie, his heirs and ſucceſſors, and ſhall be held and enjoyed by his Majeſtie, his heirs and ſucceſſors, againſt the ſaid Sir Maurice Euſtace and his heirs, and all and every other perſon and perſons claiming by, from or under him or them, or any of them; any defect in the conveyance or aſſurance of the premiſſes, any thing in the ſaid former act or

Chappel-Izzod ſold by Sir Maurice Euſtace to the King, confirmed to him on payment of reſidue of purchaſe money.

this preſent act, and any other matter or thing whatſoever to the contrary in any wiſe notwithſtanding. A. D. 1665. Chap. 2.

CXCII. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall ſet out and allot, or cauſe to be ſet out and allotted, unto Major John Neil ſo much of the undiſpoſed and forfeited lands in the barony of Barrymore in the county of Corke, as may be ſufficient to reprize him the ſaid John Neil for the houſes in Waterford, whereof his father was ſeized and poſſeſſed the two and twentieth of October one thouſand ſix hundred forty and one; any thing in the ſaid former act, or this preſent act, contained to the contrary notwithſtanding. John Neil repriſed in Barrymore in Cork for houſes in Waterford.

CXCIII. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this preſent act ſhall reſtore unto Sir Luke Bath, baronet, and his heirs, all the caſtles, houſes, mannors, lands, tenements and hereditaments, rents, reverſions or remainders, right, title, intereſt and eſtate whatſoever, which he the ſaid Sir Luke Bath, or his deceaſed father James Bath, or any other in truſt for them, or either of them, or to their or either of their uſe, was ſeized or poſſeſſed on the two and twentieth day of October one thouſand ſix hundred forty and one, (except the houſes and lands within the city of Dublin and liberties thereof, and alſo except all impropriations and appropriate tythes) which ſaid mannors, lands, houſes and hereditaments, ſo as aforeſaid to be reſtored, ſhall after ſuch reſtitution be held by the ſaid Sir Luke Bath, and his heirs and aſſignes, and ſhall be ſubject to ſuch quit-rents, ſervices, and other payments as the ſame are made lyable unto by this act, and would have been charged with, in caſe the ſame had continued in the poſſeſſion of any the adventurers or ſouldiers, or of their, or any of their heirs or aſſigns: and it is hereby declared and enacted, That the commiſſioners for execution of this act ſhall forthwith ſet out and allot unto the ſaid Sir Luke Bath and his heirs ſo much forfeited lands in lieu of the ſaid houſes and lands in Dublin, formerly belonging to him the ſaid Sir Luke Bath or his father, and to which he is not to be reſtored, as may be ſufficient to reprize him the ſaid Sir Luke Bath and his heirs for the houſes and lands aforeſaid: and the ſaid commiſſioners are alſo to ſet out and allot unto his royal highneſs James duke of York, and his heirs, ſo much other forfeited lands as may be equal in value, worth and purchaſe, for what he hath *in cuſtodiam* of the eſtate of Sir Luke Bath, and that the adventurers and ſouldiers, and the officers who ſerved before the fifth of June one thouſand ſix hundred forty and nine, and all other who are poſſeſt of, or intitled unto, any of the eſtate of the ſaid Sir Sir Luke Bath reſtored, except houſes and lands in Dublin, and tithes, liable to quit-rents, &c. to be repriſed for ſaid houſes and lands. Duke of York and others to be repriſed, before Sir Luke reſtored.

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Luke Bath, according to this act, ſhall be likewiſe repriſed in two full third parts of the value of their reſpective intereſts, before the ſaid Sir Luke Bath be reſtored to ſuch part of his eſtate from whence they are to be removed; any thing in this act, or the former act, or any other law, ſtatute, ordinance, utlary, attainder, record, ſequeſtration, allotment, or any other cauſe, matter or thing to the contrary notwithſtanding.

Garret Moor reſtored,

CXCIV. Provided always, and be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith, and without ſtaying for any previous reprizal, reſtore unto Garret Moor of Mourueene in the county of Mayo, eſq; his heirs and aſſigns, all and every the mannors, caſtles, lands, tenements, reverſions, remainders, and all other hereditaments, right, title, condition, and other intereſt and eſtate whatſoever, which he the ſaid Garret, or his father, or any other in truſt for them, or either of them, or for either of their uſes, had, held, poſſeſſed or enjoyed, or ought to have had, held, poſſeſſed or enjoyed on the twenty ſecond of October one thouſand ſix hundred forty and one, and that after ſuch reſtitution, and in lieu and ſatisfaction thereof, the commiſſioners do likewiſe with all convenient ſpeed ſet out and allot, or cauſe to be ſet out and allotted, unto the adventurers and ſouldiers, their heirs, executors and aſſigns reſpectively, who ſhall be removed to make way for ſuch reſtitution, their ſeveral and reſpective two third parts out of ſome other undiſpoſed forfeited lands; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

and afterwards the adventurers, &c. repriſed in two thirds.

Lord Mountgarret without previous repriſal reſtored to capital meſſuage and appurtenances, and alſo to lands not poſſeſſed by adventurers, &c. tithes excepted.

CXCV. Provided always, and be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act do forthwith, and without ſtaying for any previous reprizal, reſtore unto Edmond lord vice-count Mountgarret, his heirs and aſſigns, his and their principal and capital meſſuage with the appurtenances; and ſhall alſo forthwith reſtore unto the ſaid Edmond lord vice-count Mountgarret, his heirs and aſſigns, all and ſingular other the meſſuages, mannors, caſtles, lands, tenements, reverſions, remainders, and other hereditaments, right, title, condition, and other intereſt and eſtate whatſoever, which he the ſaid Edmond lord vice-count Mountgarret, or his father, or any other in truſt for them or either of them, or for either of their uſes, had, held, poſſeſſed and enjoyed, or ought to have had, held, poſſeſſed or enjoyed on the two and twentieth of October one thouſand ſix hundred forty and one, and whereof no adventurer or ſouldier, nor the heir, executor, adminiſtrator or aſſignee of any adventurer or ſouldier, is now in poſſeſſion (impropriations or appropriate tythes only excepted) and that all and

and alſo to thoſe poſſeſſed by adventurers, &c. after repriſed in two thirds.

every the lands, tenements and hereditaments whereof the ſaid Edmond lord vice-count Mountgarret, or his father, or any other perſon or perſons in truſt for him, or to his uſe, were ſeized or poſſeſt on the ſaid two and twentieth day of October one thouſand ſix hundred forty and one, and which are now in the poſſeſſion of any adventurer or ſouldier, or of the heir, executor, adminiſtrator, or aſſignee of any adventurer or ſouldier, ſhall, after their ſeveral and reſpective full two third parts to them ſet out and allotted out of other forfeited and undiſpoſed lands in ſatisfaction of their ſeveral and reſpective intereſts, be likewiſe ſet out and allotted unto and placed in the poſſeſſion of him the ſaid Edmond lord vice-count Mountgarret and his heirs; any thing in this or the ſaid former act to the contrary notwithſtanding.

Lucas Taaffe and his wife reſtored to eſtate in her right.

CXCVI. Provided always, and be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith reſtore unto colonel Lucas Taaffe, and Elizabeth his wife, all and ſingular the jointures, portions, lands tenements and hereditaments and other intereſt whatſoever, which the ſaid Elizabeth, or any other in truſt for her, or for her uſe had, or ought to have had, held, poſſeſſed or enjoyed the two and twentieth of October one thouſand ſix hundred forty and one, or at any time ſince; any thing in this act, or any other act, contained to the contrary notwithſtanding.

Adventurers, &c. reprized before removed.

CXCVII. Provided nevertheleſs, that no reprizable ſouldier, adventurer, officer, ſerving before the fifth of June one thouſand ſix hundred forty and nine, or proteſtant purchaſor in Connaght or Clare, be removed out of any part of the premiſſes, which they are to have by the rule of this act, before they be firſt reprized for the ſame according to the ſaid rules.

Lord Burlington to have preemption in Youghill, part of the ſecurities for officers before 1649, at eight years purchaſe.

CXCVIII. And be it further enacted by the authority aforeſaid, That Richard earl of Burlington and Cork, lord high treaſurer of Ireland, his heirs and aſſignes, in the diſtribution and ſetting forth of the ſecurity appointed for the ſatisfaction of the arrears of the commiſſioned officers, who ſerved your Majeſtie and your late royal father in Ireland before the fifth of June one thouſand ſix hundred and forty nine, ſhall have the preference and preemption of all the forfeited houſes, lands, tenements and hereditaments, in the town of Youghill or the liberties thereof, belonging unto and which are part of the ſaid ſecurities, at the rate of eight years purchaſe, as they are or ſhall be found to be really and *bona fide* worth; and that Arthur earl of Angleſey, vice-treaſurer of Ireland, his heirs and aſſignes, ſhall have like preference and preemption of all the forfeited houſes, lands, tenements and hereditaments, in the town of Roſſe in the county of Wexford, or the liberties thereof, belonging unto and which are part of the

Lord Angleſey to have like preemption in Roſſe.

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ſaid ſecurities, at the rate of eight years purchaſe, as they are or ſhall be found to be really and *bona fide* worth; and if any doubt or difficulty ſhall ariſe, concerning the value of the ſaid houſes or lands, ſo as the truſtees for the ſaid officers ſhall not be ſatisfied with the return already made of the value of the ſame, that in ſuch caſe, upon the deſire and requeſt of the ſaid truſtees, there ſhall be a new ſurvey and valuation of the ſaid towns and liberties thereof, by ſuch perſons as ſhall he appointed by the commiſſioners for the execution of this act, by and with the conſent of the ſaid truſtees; according to which return the ſaid houſes, lands, tenements and hereditaments, are to be ſold, and not otherwiſe; and in caſe the ſaid earls, their heirs and aſſignes, or any of them, ſhall offer unto the ſaid commiſſioners for the execution of this act any debentures of officers, who ſerved as aforeſaid before the fifth of June one thouſand ſix hundred forty and nine, for or in part payment for all, or ſo much of the ſaid houſes and premiſſes in the ſaid ſeveral towns as ſhall be by them reſpectively contracted and agreed for, that the ſame ſhall be allowed, and the ſaid commiſſioners are hereby authorized and required to accept and receive the ſame for all or in part of the purchaſe money, ſo as the ſaid debentures are capable of prior ſatisfaction, and there has been ſuch deductions and defalcations made as are directed by this act, and the ſaid former act, and ſhall not be accepted to ſatisfie more in the pound than the whole ſecurities will hold out to ſatisfie the debentures of the reſt of the ſaid officers; and the ſaid commiſſioners are alſo required and authorized to give ſuch certificates as are neceſſary for the paſſing of patents thereof, according to the rules of this act.

If doubt or difficulty as to the value, truſtees for ſaid officers may have new ſurvey.

If ſaid earls offer debentures of officers before 1649 in part of payment, to be accepted,

ſo as the debentures capable of prior ſatisfaction; and deductions made, and ſo as not to ſatisfy more in the pound than the whole will hold out for the reſt.

CXCIX. And whereas there is a leaſe granted of a houſe in Dublin, called Cork-houſe, with the appurtenances, unto the right honourable Richard earl of Corke and Burlington, by the name of Richard earl of Cork, lord high treaſurer of Ireland, from James Margetſon, doctor of divinity, treaſurer of the cathedral church of St. Patrick's Dublin, by the approbation of the archbiſhop of the ſame dioceſs, and in obedience to his Majeſties letters of recommendation to that purpoſe, dated the twentieth of July one thouſand ſix hundred and ſixty, and confirmed by the ſeveral deans and chapters, both of the holy Trinity Dublin, and St. Patrick's Dublin, bearing date the twenty third of January one thouſand ſix hundred and ſixty, for the term of forty years, from the feaſt of the nativity of our bleſſed Saviour then laſt paſt, which was made upon good and valuable conſiderations: be it therefore enacted, and it is hereby enacted and ordained by the authority aforeſaid, That the ſaid Richard earl of Cork and Burlington, his executors and aſſignes, ſhall and may have, hold and

Earl of Cork to enjoy leaſe of Cork-houſe in Dublin.

and enjoy the ſaid houſe, with the appurtenances mentioned in the ſaid leaſe, for and during the years therein mentioned, at the reſervations thereby reſerved; any thing in this act, or any other former act or ſtatute to the contrary notwithſtanding.

Lord Angleſey to enjoy his purchaſe from perſons in poſſeſſion from the uſurpers.

CC. Provided alwayes and be it enacted, That all and ſingular the lands, tenements and hereditaments, which Arthur lord vice-count of Valentia and earl of Angleſey hath purchaſed from any perſon or perſons in actual poſſeſſion thereof, by virtue of any grant, order or diſpoſition of the late uſurped powers, or any of them, the lands and tenements decreed away by the commiſſioners for the execution of the ſaid former act onely excepted, ſhall be ſettled, and are hereby granted and confirmed unto him, his heires and aſſignes, and he and they ſhall have, hold and enjoy the ſame; and that for ſuch of the ſaid eſtates, or any part thereof, as have or hath been decreed away as aforeſaid, or ſhall be decreed away in purſuance of this act by the commiſſioners appointed or to be appointed for the execution thereof, the ſaid earl, his heirs and aſſignes, ſhall forthwith be fully reprized for the ſame and without any retrenchment, by the ſaid commiſſioners, by ſo much forfeited lands as may be ſufficient to make up and ſupply unto the ſaid Arthur earl of Angleſey, his heires and aſſigns, what was or is granted or intended to be granted by the ſaid act, or by this act; and the ſaid earle, his heirs and aſſignes, ſhall have, hold and enjoy, all other the benefits and advantages in and by the ſaid former act given, granted or provided, or intended to be given, granted or provided to or for the ſaid earl, his heirs or aſſignes; any thing in the ſaid former act or in this preſent act, or otherwiſe to the contrary notwithſtanding.

Except what decreed away,

for which ſaid earl to be repriſed without retrenchment,

and to enjoy all other benefits of former act.

CCI. And be it further explained, declared and enacted by the authority aforeſaid, That all and every payment and payments, ſum and ſums of money, which are and ſhall be made by any adventurer, officer and ſouldier, Connaght purchaſor, Iriſh papiſt, popiſh recuſant, Roman catholick or others, out of or for any of the ſaid forfeited, veſted or eſcheated lands, tenements, hereditaments and eſtates, by virtue or in purſuance of his Majeſties ſaid declaration, inſtructions, the ſaid former or this preſent act, or by all, every or any of them, to or for any uſe or uſes, intent, end or purpoſe therein reſpectively mentioned, expreſſed, declared, limited or appointed; excepting onely the quit-rents and other chief rents reſerved and payable unto his Majeſtie, his heirs and ſucceſſors, and ſuch other ſums as are herein otherwiſe directed to be paid, ſhall be paid for the ſaid uſes, intents and purpoſes, into the hands of John Bence and Alexander Bence, eſquires, or either of them, who are hereby conſtituted and appointed

John and Alex. Bence collectors of all money payable out of ſaid lands, &c.

Except quit and chief rents and ſums otherwiſe directed.

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pointed joyntly and ſeverally to collect and receive the ſame, and to be collectors and receivers thereof by themſelves, or their deputy or deputies reſpectively; whoſe acquittance or acquittances, receipt or receipts, for the ſaid ſeveral and reſpective payments, ſum and ſums of money, being entered and ſigned as after is directed, ſhall be firm, valid, effectual and ſufficient diſcharges in law for the ſame reſpectively.

Their receits ſufficient.

CCII. And to the end our ſaid vice-treaſurer may know what ſums of money he is to receive, all acquittances, which ſhall be given as aforeſaid, are to be entered and ſigned by the ſeveral officers of the Exchequer, according to the accuſtomed manner of acquittances; all which payments, ſum and ſums of money, the ſaid receiver or receivers are to accompt for and pay over unto Arthur earl of Angleſey, his Majeſties receiver-general, and vice-treaſurer of this kingdom, or to the receiver-general, and vice-treaſurer of this kingdom for the time being, to be diſpoſed of, iſſued and paid out by him to and for the ſeveral uſes, intents and purpoſes, unto which and in ſuch manner as the ſame are reſpectively deſigned, limitted or appointed, and to no other intent, uſe or purpoſe; upon the iſſuing whereof, the ſaid earl of Angleſey, or the vice-treaſurer for the time being, ſhall take the uſual accuſtomed fees payable for other monies; and the ſaid collector or collectors, receiver or receivers, for their pains, care and ſervice herein, ſhall have, take, receive and deduct out of and for the reſpective payments, ſum and ſums of money which they ſhall ſo receive, pay over or accompt for, ſuch fees as were formerly allowed unto and taken by the former receivers of the money payable by the adventurers and ſouldiers; any thing in the ſaid former or this preſent act to the contrary in any wiſe notwithſtanding.

To be entered and ſigned in Exchequer,

payable to receiver general and vice treaſurer, for the uſes ſpecified.

Accuſtomed fees to be paid to vice treaſurer and collectors.

CCIII. Nevertheleſs it is hereby declared, That the commiſſioned officers, who ſerved before the fifth of June one thouſand ſix hundred forty and nine, ſhall be and are hereby diſcharged of and from the payment of any fees due and payable unto the ſaid John Bence and Alexander Bence, receivers aforeſaid, for or out of any debentures due to the ſaid commiſſioned officers, but that the ſaid John Bence and Alexander Bence ſhall, in lieu of and ſatisfaction for the ſame, receive ſuch compenſation and recompence out of the rents, iſſues and profits of the ſecurity appointed for ſatisfaction of the ſaid debentures, as the lord lieutenant and council ſhall think fit.

Officers before 1649 not to pay fees for debentures to John and Alex. Bence.

Who are to receive recompence as lord lieutenant and council direct.

CCIV. Provided always, and be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act do forthwith, and without ſtaying for any previous reprizal, reſtore unto Theobald lord-vice-count Mayo, his heires and aſſigns,

Lord Mayo reſtored to capital meſſuage and appurtenances with-

his and their principal and capital meſſuage, with the appurtenances, and ſhall alſo forthwith reſtore unto the ſaid Theobald lord vice-count Mayo, his heirs and aſſigns, all and ſingular other the meſſuages, mannors, caſtles, lands, tenements, reverſions, remainders, and all other hereditaments, right, title, condition, and other intereſt and eſtate whatſoever, which he the ſaid Theobald lord vice-count Mayo, or his father, or any anceſtor whoſe heir he is, or any other in truſt for them, or any of them, or for any of their uſes, had, held, poſſeſſed, or enjoyed, or ought to have had, held, poſſeſſed or enjoyed on the twenty-ſecond of October one thouſand ſix hundred forty and one, and whereof no adventurer or ſouldier, nor the heir, executor, adminiſtrator, or aſſignee of any adventurer or ſouldier, is now in poſſeſſion (impropriations or appropriate tythes only excepted) and that all and every the lands, tenements and hereditaments, whereof the ſaid Theobald lord vice-count Mayo, or his father, or any other anceſtor whoſe heir he is, or any other perſon or perſons in truſt for them, or any of them, were ſeized or poſſeſt on the ſaid twenty-ſecond day of October one thouſand ſix hundred forty and one, and which are now in the poſſeſſion of any adventurer or ſouldier, or of the heir, executor, adminiſtrator or aſſignee of any adventurer or ſouldier, ſhall, after their ſeveral and reſpective full two third parts to them ſet out and allotted out of other forfeited and undiſpoſed lands in ſatisfaction of their ſeveral and reſpective intereſt, be likewiſe ſet out and allotted unto, and placed in the poſſeſſion of him the ſaid Theobald lord vice-count Mayo and his heires; any thing in this or the ſaid former act to the contrary notwithſtanding.

out previous repriſal; and to lands not in poſſeſſion of adventurers, &c.

Tithes excepted,

and to lands in their poſſeſſion after repriſal in two thirds.

CCV. Provided always, and be it further enacted by the authority aforeſaid, That nothing herein contained ſhall in any ſort prejudice the right, title or intereſt of captain Owen Mac Carthy of Clogheroe in the county of Cork, unto any of the lands, tenements or hereditaments in the ſaid county mentioned or ſpecified in his claim, upon which he was adjudged innocent by the late commiſſioners, but left to the law for the recovery of the ſame; and that the lands ſo claimed by him ſhall continue and remain in his Majeſties hands undiſpoſed of for the ſpace of twelve months next after the paſſing of this act, to the end that the ſaid Owen Mac Carthy may within that time make out his right and title thereunto, if any he have, and cauſe the ſame to be adjudged and determined by due courſe of law; and in caſe the ſaid right and title be not made to appear, and be determined as aforeſaid within the time aforeſaid, then all and ſingular the ſaid lands ſhall and may be diſpoſed of as any other forfeited

Owen Mac Carthy upon his claim to lands in Cork adjudged innocent, but left to law.

The lands to remain in the King and if he makes not out his title in twelve months, to be diſpoſed as other forfeitures.

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lands by this act ought to be; any thing in the ſaid former act, or this preſent act, to the contrary in any wiſe notwithſtanding.

Executors of lord Clanricard to be ſatisfied his arrears before 10 Dec. 1650, out of ſecurities for ſaid officers,

CCVI. And be it further enacted by the authority aforeſaid, That the arrears due unto the late marqueſs of Clanricard, for the ſeveral times and employments he had in this kingdom, before the tenth of December one thouſand ſix hundred and fifty, be allowed and ſatisfied to the executors or adminiſtrators of the ſaid marqueſs of Clanrickard out of the ſecurities ſet apart for ſatisfaction of the commiſſioned officers, who ſerved before the fifth of June one thouſand ſix hundred forty and nine; and that the ſaid executors and adminiſtrators be and are hereby admitted and allowed to ſtate all the ſaid arrears due to the ſaid marqueſs of Clanricard before and until the tenth day of December one thouſand ſix hundred and fifty, before the commiſſioners for execution of this act, before any diſtribution made of the ſaid ſecurities; any thing in this act, or the ſaid former act, contained to the contrary notwithſtanding.

and allowed to ſtate ſaid arrears before any diſtribution of ſaid ſecurities.

Recital of lord Muſkry's ſervices.

CCVII. His Majeſty taking into conſideration the many good and faithful ſervices performed by Charles late vice-count Muſkry in forreign parts, and particularly that in conſequence of the diſpoſition of Dunkirk, the ſtate of his Majeſties affairs did not admit the continuance of the pay of the regiment of foot commanded by the ſaid Charles vice-count Muſkry, was therefore graciouſly pleaſed, by his royal letters of the ſixth of April in the fifteenth year of his reign, to direct and appoint that all the lands in the barony of Muſkry, in the county of Cork, forfeited to his Majeſty, and not ſet out to ſouldiers or adventurers, nor reſtored to the former proprietors, the greateſt part whereof were held of the eſtate of Donogh earl of Clancarty, the ſaid Charles his father, ſhould be by one or more grant or grants paſſed under the great ſeal of Ireland unto the ſaid Charles late vice-count Muſkry, his heirs and aſſigns for ever, to his and their uſe and uſes, without any accompt to be given for the ſame to his Majeſty, his heirs or ſucceſſors, as by the tenor of the ſaid letter more at large may appear; ſince which time the ſaid Charles late vice-count Muſkry hath ended his long continued ſervices by the loſs of his life in the late expedition at ſea againſt the Hollander, his Majeſty is therefore graciouſly pleaſed, purſuant to his ſaid former royal intentions, that it be enacted, and be it enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall ſet out and allot unto Charles-James Mac Carthy, now vice-count Muſkry, ſon and heir to the ſaid Charles vice-count Muſkry, all the forfeited lands in the ſaid barony, not ſet out formerly to adventurers and ſouldiers, nor reſtored

The King's letter 15 C. 2. appointing to him lands in Cork.

held of the eſtate of lord Clancarty his father,

his loſing his life in expedition againſt the Hollander.

Said lands, not ſet out to adventurers or ſoldiers or reſtored to be allotted to his ſon in tail, re-

ſtored to the former proprietors; and that the ſaid commiſſioners ſhall quiet and eſtabliſh the ſaid Charles-James vice-count Muſkry in the poſſeſſion thereof, which he is to hold, poſſeſs and enjoy to him and the heirs males of his body, and for want of ſuch iſſue, the remainder to the ſaid Donogh earl of Clancarty, and the heirs males of his body begotten, the remainder in fee to the right heirs of the ſaid earl; any thing in this act, or the ſaid former act, to the contrary notwithſtanding; and that certificates be thereof granted in order to the paſſing of letters patents.

Remainder to the grandfather lord Clancarty, &c.

Certificates to be granted for letters pat.

CCVIII. Provided nevertheleſs, That the ſaid Donogh earl of Clancarty, grandfather to the ſaid Charles-James, now vice-count Muſkry, or the now counteſs of Clancarty, if ſhe ſurvive the ſaid earl, may by way of leaſe for years of any part of the premiſſes, or by grant of a rent-charge for years out of the premiſſes, or otherwiſe, as to him the ſaid Donogh, or to her the ſaid counteſs, if ſhe ſurvive, ſhall ſeem meet, afford ſuch relief out of the premiſſes to the former proprietors thereof, as he or ſhe ſhall find do beſt merit the ſame, and what he or ſhe ſhall do therein is hereby allowed of, and made good and valid in law.

Power to lord Clancarty or his lady by leaſe for years or rent charge to afford relief to old proprietors.

CCIX. And whereas Sir Philip Percival, knight, deceaſed, for and on the behalf of Thomas late earl of Strafford, and Sir George Radcliffe knight, deceaſed, and their heirs, in or about the year one thouſand ſix hundred thirty and ſix, did contract and agree with Teige O Connor Sligoe, uncle and heir in taile to Donogh O Connor Sligoe then lately deceaſed, and alſo with Edmond Mac Jordan and Dorothy his wife, ſole ſiſter and heir general to the ſaid Donogh, for divers lordſhips, mannors, caſtles, lands, tenements and hereditaments, in the county of Sligoe, being formerly the eſtate of the ſaid Donogh O Connor Sligoe, whereupon ſeveral ſums of money were paid, diſburſed and ſecured to be paid by the ſaid Sir Philip Percival to the ſaid Teige O Connor, Edmond Mac Jordan and Dorothy his wife, and to ſome other perſon or perſons, by their or ſome of their conſent, direction or appointment, for the freeing, diſcharging and diſingaging the ſaid premiſſes of or from ſome mortgages, leaſes, or incumbrances thereupon, or ſome of them, but no legal conveyance were or could then be made or perfected to him the ſaid Sir Philip Percival, by reaſon of the grand office then lately found in the province of Connaght, whereby his Majeſty was intitled to the ſaid lands amongſt divers others in the ſaid province: be it therefore further enacted by the authority aforeſaid, That all and ſingular the ſaid lordſhips, mannors, caſtles, lands, tenements and hereditaments, with the appurtenances formerly belonging to the ſaid Donogh O Connor Sligoe and the ſaid Tiege O Con-

Sir P. Percival for lord Strafford and Sir G. Radcliffe in 1636 contracted with Teig O Connor Sligo, &c. for lands in Sligo.

Money paid and ſecured in diſcharge of incumbrances

no legal conveyance then made by reaſon of the grand office in Connaught intitling the King,

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O Connor Sligoe, or to either of them, ſhall be, and are hereby ſettled upon William earl of Strafford, ſon and heir of the ſaid Thomas earl of Strafford, and Thomas Radcliffe, eſquire, ſon and heir of the ſaid Sir George Radcliffe, and their heirs, under the rents and ſervices due and payable thereout to his Majeſty in the year one thouſand ſix hundred forty and one; and that they the ſaid William earl of Strafford, and Thomas Radcliffe, and their heirs, be forthwith ſettled in the poſſeſſion of all and ſingular the ſaid lordſhips, mannors, caſtles, lands, tenements and hereditaments, by the commiſſioners appointed or to be appointed for the execution of this act; any thing in the aforeſaid act, or in this act, contained to the contrary in any wiſe notwithſtanding.

Said lands to be ſettled in Wm. lord Strafford and Tho. Radcliff, and their heirs under the rents and ſervices in 1641.

CCX. And be it further enacted, That all depoſitions and examinations of witneſſes, that have been taken in a cauſe lately depending before the lord lieutenant and council of Ireland, between the ſaid William earl of Strafford, and Thomas Radcliffe, eſq; and Sir John Percival, plaintiffs, againſt Martin O Connor, grandſon and heir to Teige O Connor Sligoe, eſq; deceaſed, Richard lord baron of Coloony, and others, defendants, ſhall and may be read and made uſe of as good proof for all ſuch lands, tenements and hereditaments, as by the ſaid depoſitions have been proved to be part of the ſaid Donogh O Connors eſtate.

Depoſitions in a cauſe before lord lieutenant and council to be uſed as proof relative to ſaid lands.

CCXI. And be it further enacted by the authority aforeſaid, That the ſaid William earl of Strafford, and Thomas Radcliffe, or either of them, their heirs or aſſignes, ſhall, within ſix months time after the paſſing of this act, pay, or cauſe to be paid, all ſuch ſum or ſums of money, as ſhall, within the time of the ſaid ſix months, be made appear to be juſtly due from the ſaid Teige O Connor Sligoe, Edmond Mac Jordan and Dorothy his wife, Sir Philip Percival, Thomas late earl of Strafford, and Sir George Radcliffe, or any of them, their heirs or aſſignes of any of them, and not by them, or ſome of them, already paid for and towards the purchaſing and buying off of any of the ſaid mortgages, leaſes or incumbrances, which were upon the eſtate of the ſaid Donogh O Connor at the time of the ſaid contract made as aforeſaid; which ſum or ſums of money, ſo made appear to be due as aforeſaid from the ſaid Teige O Connor, Edmond Mac Jordan and Dorothy his wife, Sir Philip Percival, Thomas late earl of Strafford, and Sir George Radcliffe, their heirs or aſſignes, or any of them, or by them, or any of them depoſited in the clerk of the councils hands in order to the buying off of any of the ſaid mortgages, leaſes or incumbrances, ſhall be and are hereby veſted in and made payable unto his Majeſtie, his heirs and ſucceſſors, to be diſpoſed of by his Majeſtie,

Money due towards purchaſing ſaid incumbrances in ſix months to be paid.

and veſted in the King.

jeſtie, as by his ſignet and ſign manual he ſhall declare and appoint; ſaving and accepting hereout ſuch ſum and ſums of money as ſhall appear to be juſtly and legally due by one mortgage upon part of the ſaid eſtate, made by the ſaid Donogh O Connor to certain feoffees to the uſe of the children of Sir Francis Blundell, their heirs or aſſignes.

to be diſpoſed as the King appoints Except money due on a mortgage to uſe of Sir F. Blundel's children.

CCXII. Provided that the adventures, commiſſioned officers, who ſerved before the fifth of June one thouſand ſix hundred forty and nine, and ſouldiers, who are now in poſſeſſion of all or any the ſaid lands, or ought to have the ſame according to the rules of this act, and are by virtue hereof to be removed from the ſame, ſhall have ſo much other forfeited lands ſet out to them, by the commiſſioners for the execution of this act, as may be ſufficient to reprize and ſatisfie them for two full third parts of the lands from whence they are to be removed, and certificates ſhall be thereof granted in order to the paſſing of letters patents, which ſhall be of like force and effect as any other letters patents granted in purſuance of this act are or ought to be; and they and every of them are hereby likewiſe diſcharged for them, their heirs and executors reſpectively, of and from all arrears of rent and meſne profits received or to be received by them at any time before they ſhall be removed as aforeſaid.

Adventurers &c. to be repriſed in two thirds.

Certificates for letters pat. to be granted,

diſcharged from arrears and meſne profits.

CCXIII. Provided alſo, That the town and lands of Bradcullen, and ſo much lands contiguous about the ſame as may amount unto three thouſand acres of profitable land, with the appurtenances, which by the ſaid contract made with the ſaid Teige O Connor were to have been given or aſſured to the ſaid Teige O Connor and his heirs, ſhall be, and are hereby excepted from being ſettled upon the ſaid William earl of Strafford and Thomas Radcliffe, and their heirs, or any of them, and ſhall remain diſpoſeable between Sir Francis Gore, knight, and captain Robert Parkes, according to their ſeveral proportions of what they reſpectively poſſeſs of the ſaid eſtate, and what by the rules of this act ſhall belong to them reſpectively, and are to be reckoned and numbered out of ſuch lands which are now in their or either of their poſſeſſions, moſt contiguous to the ſaid town of Bradcullen, in purſuance of the ſaid contract.

Bradcullen and 3000 profitable acres contiguous, which by ſaid contract were to be aſſured to Teig O Connor, excepted,

and diſpoſeable between Sir F. Gore and Rob. Parks.

CCXIV. And whereas the ſaid Sir Philip Percival and Sir George Radcliffe, or one of them, did (beſides the ſaid Donogh O Connor's eſtate) in like manner purchaſe ſome other ſmall parcels of lands, tenements and hereditaments, in the ſaid county of Sligoe, from ſeveral other perſons: be it further enacted by the authority aforeſaid, That the ſaid William earl of Strafford and Thomas Radcliffe ſhall be and are hereby reſtored to all the eſtate, right and title, which the ſaid Thomas late

Lord Strafford and Tho. Radcliff to be reſtored to other purchaſes in Sligo.

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earl of Strafford and Sir George Radcliffe, or either of them, had, either in law or equity, in or to the ſaid laſt mentioned lands and tenements and hereditaments, in the year one thouſand ſix hundred and forty: and that they the ſaid William earl of Strafford and Thomas Radcliffe, ſhall, by the ſaid commiſſioners for execution of this act, be forthwith reſtored to the poſſeſſion of all ſuch of the ſaid laſt mentioned lands, tenements and hereditaments, whereof the ſaid Thomas late earl of Strafford and Sir George Radcliffe, or either of them, or any other perſon or perſons to their or either of their uſes, or in truſt for them, or either of them, were ſeized or poſſeſſed in the ſaid year one thouſand ſix hundred and forty, under the rents and ſervices due and payable thereout to his Majeſtie in the ſaid year: and foraſmuch as the adventurers and ſouldiers, and commiſſioned officers, who ſerved before the fifth of June one thouſand ſix hundred forty and nine, and are now in poſſeſſion of or claim the ſame, may the better know whether they may hold the ſaid lands, or take themſelves to their reprizalls, the ſaid commiſſioners are required to hear and determine of the ſaid purchaſes, and of the right, title and intereſt, either in law or equity, which they the ſaid William earl of Strafford and Thomas Radcliffe have or had in or to the ſaid laſt mentioned lands, and to reprize the ſaid adventurers, officers and ſouldiers in other lands of equal value, worth and purchaſe, according to the rules of this act, in caſe the ſaid lands ſhall be evicted from them as aforeſaid, who are hereby diſcharged of and from all arrearages of rent and mean profits received at any time before they ſhall be removed from the ſaid laſt mentioned lands; any thing in this or the ſaid former act to the contrary notwithſtanding.

Commiſſioners to hear and determine ſaid purchaſers, and reprize adventurers, &c. if evicted, diſcharged of arrears and meſne profit.

CCXV. And be it further explained, declared, and enacted by the authority aforeſaid, That all and ſingular the lands, tenements, and hereditaments, and other eſtates, with their and every of their members and appurtenances, of, within, or appertaining to the half barony of Irris, *alias* Irrus or Erris, and the pariſh of Dunfiny, *alias* Ducuni, adjoyning unto Irris in the county of Mayo and the pariſh of Termon-barry, *alias* Tearmon-beary in the county of Roſcommon, and all and every or any of them, veſted in, ſettled on, forfeited to, or belonging, upon the ſaid three and twentieth of October one thouſand ſix hundred forty and one, at any time ſince, unto your Majeſtie or your royal Father, together with all the mines and minerals therein (royal mines excepted) and all fiſhings on the ſea coaſts of the ſame, as alſo on the loughs and freſh rivers and waters thereunto in any wiſe belonging or appertaining, be, and they are hereby, as

Half barony of Erris and other lands in Mayo and Roſcommon forfeited in 1641, granted to Sir Robert Vyner, &c.

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from the five and twentieth day of March one thouſand ſix hundred ſixty and five, in the ſeventeenth year of your Majeſtie's raign, veſted in, ſettled on, and granted unto Sir Robert Vyner knight, Thomas Vyner eſq; James Temple, Henry Lewis, and Silvanus Hyde of London gent. their heirs and aſſignes for ever, to be held of your Majeſtie, your heirs and ſucceſſors, as of your caſtle of Dublin, in free and common ſoccage, at and under the yearly rent of fifty pounds, to be paid into your Majeſtie's exchequer at Michaelmas and Eaſter, by equal portions; and that Thomas earl of Oſſory, Richard earl of Burlington and Cork, Roger earl of Orrery, and Richard earl of Arran, Robert Boyle eſquire, their heirs and aſſigns for ever, ſhall poſſeſs and enjoy the full benefit, advantage and effect of your Majeſtie's gracious letters, under your royal ſignet bearing date the five and twentieth day of March one thouſand ſix hundred ſixty two, in the fourteenth year of your Majeſtie's raign, for granting of ſeveral houſes and lands unto Sir James Shaen, his heirs and aſſignes for ever, in, for, and towards ſatisfaction of adventurers, or arrears for ſervice done in Ireland, and other intereſts confirmed, allowed, or ſatisfied by, or intended to be allowed, confirmed, or ſatisfied by, or in purſuance of your Majeſtie's ſaid gracious declaration of the thirtieth of November one thouſand ſix hundred and ſixty, and other conceſſions conſiſtent with, and agreeable to the ſame; and alſo to have, hold and enjoy to them, their heirs and aſſigns for ever, the full benefit, advantage and effect of your Majeſtie's letters, under your royall ſignet bearing date the four and twentieth day of July one thouſand ſix hundred ſixty five, in the ſeventeenth year of your reign, in truſt for and to the uſes, intents and purpoſes therein expreſſed, mentioned and declared, excepting onely what concerns the lands and premiſſes in Irris, Dunſiny, and Tearmonbeary, or any of them; any other clauſe, proviſoe, ſentence, matter, or thing whatſoever, in the ſaid former or this preſent act contained, or any retrenchment, order, or other matter or thing to the contrary in any wiſe notwithſtanding; ſo far forth as the lord lieutenant, or other chief governour or governours of this kingdome for the time being, ſhall finde the ſeveral matters and things herein contained to be conſiſtent with, or agreeable unto your Majeſtie's ſaid declaration, the ſaid former or this act, or any of them.

to be held of the King, as of the caſtle of Dublin, in common ſocage, at yearly rent of 50l.

Lord Oſſory, &c. to have benefit of the King's letters 25th March 1662, granting to Sir James Shaen lands, in ſatisfaction of adventures and arrears,

and letters 24th July 1665.

excepting what concerns Erris, &c.

ſo far as conſiſtent with the declaration, this or the former act.

CCXVI. And be it further enacted by the authority aforeſaid, That nothing in the ſaid former or this preſent act may or ſhall in any ſort impeach the innocency of, or otherwiſe prejudice, Francis Ferral of Mornine in the county of Longford eſq; but that he ſhall be and he is hereby reſtored unto all and every the lands, tenements and hereditaments claimed by him, whereof he

Francis Ferrall, adjudged innocent, and reſtored,

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he was poſſeſſed the three and twentieth day of October one thouſand ſix hundred forty and one, and thereunto rightfully intitled, and are particularly recited and mentioned in his decree from the late commiſſioners, whereby he is adjudged an innocent perſon, notwithſtanding his taking of lands in Connaght, or any other cauſe, matter or thing to the contrary.

notwithſtanding his taking lands in Connaught, &c.

Sir Connel Farrel reſtored, and to have benefit of former act.

CCXVII. And be it further enacted by the authority aforeſaid, That the commiſſioners for the execution of this act ſhall forthwith ſet out and reſtore to Sir Connel Farrall knight, and his heirs, all and ſingular the meſſuages, mannors, lands, tenements and hereditaments, which in and by the ſaid former act were granted and reſtored, or mentioned, meant, or intended to be granted and reſtored unto the ſaid Sir Connel Farrell, and all other the benefits and advantages of the ſaid former act; and that certificates be thereof granted unto the ſaid Sir Connel Farrell, in order to the paſſing of letters patents accordingly: and the ſaid commiſſioners are likewiſe to ſet out to cornet Robert Meredith, and all others who were or are ſeized or poſſeſſed of any of the ſaid lands, tenements, or hereditaments, in ſatisfaction of any adventures or arrears, ſuch other forfeited lands as may be equal in quantity of acres unto two full third parts of the lands ſo to be reſtored; any thing herein before contained to the contrary notwithſtanding.

Robert Meredith and others repriſed two thirds.

John Kelly reſtored without previous reprifal.

CCXVIII. Provided alſo, and be it further enacted, That the commiſſioners for execution of this act ſhall forthwith, and without ſtaying for any previous reprizal, reſtore unto colonel John Kelly of Skryne in the barony of Athlone and county of Roſcomon, his heirs and aſſignes, all and every the mannors, caſtles, lands, tenements, reverſions, remainders, and all other hereditaments, right, title, condition, and other intereſt and eſtate whatſoever, which he the ſaid John Kelly, or any other in truſt for him, or to his uſe, had, held, poſſeſſed or enjoyed, or of right ought to have had, held, poſſeſſed or enjoyed, upon the two and twentieth day of October one thouſand ſix hundred forty and one; and that after ſuch reſtitution, and in lieu and ſatisfaction thereof, the commiſſioners do likewiſe, with all convenient ſpeed, ſet out and allot, or cauſe to be ſet out and allotted unto the adventurers, ſouldiers, proteſtant purchaſors of lands in Connaght and Clare, before the firſt day of September one thouſand ſix hundred forty and nine, or their truſtees, and their heirs, executors and aſſignes reſpectively, who ſhall be removed to make way for ſuch reſtitution, their ſeveral and reſpective two third parts, or ſuch other ſatisfaction as will be due to them by the rules of this act, out of ſome other forfeited and

Adventurers, &c. removed thereby to have two thirds in other lands.

undiſpoſed lands; any thing in this or the ſaid former act contained to the contrary notwithſtanding.

CCXIX. And whereas his Majeſtie, in and by certain letters patents under the great ſeal of Ireland, did give and grant unto Sir Henry Talbott knight, certain lands in Connaught, in exchange of and for certain other lands of his the ſaid Sir Henry Talbott adjoyning to the caſtle of Dublin, and convenient for his Majeſtie's ſervice: it is therefore hereby provided and enacted, That it ſhall and may be lawfull to and for the ſaid Sir Henry Talbott to have, hold, and enjoy to him and his heirs, all and ſingular the lands, tenements, and hereditaments in Connaught, in and by the ſaid letters patents granted, according to the tenor and effect of the ſame letters patents; any thing in this act contained to the contrary in any wiſe notwithſtanding.

Sir Henry Talbot confirmed in lands in Conaght, granted in exchange for lands near Dublin caſtle.

CCXX. And be it further enacted by the authority aforeſaid, That the commiſſioners for execution of this act ſhall forthwith ſet out and allot unto all and every the adventurers, ſouldiers, and commiſſioned officers, who ſerved before the fifth of June one thouſand ſix hundred forty and nine, their heirs and aſſignes, who now are ſeized or poſſeſſed of any caſtles, houſes, lands, tenements and hereditaments, rents, intereſts and eſtates whatſoever in this kingdome, which Nicholas Plunkett of Balrath in the county of Meath eſq; now Sir Nicholas Plunkett knight, rightfully had and enjoyed upon the two and twentieth of October one thouſand ſix hundred forty and one, ſo much other forfeited lands as may be equal in value, worth and purchaſe, to two full third parts of the lands whereof they are ſo poſſeſt, if they ſhall be willing to accept of ſuch reprize, and to be removed from the ſame; and that all and every the meſſuages, lands, tenements, and hereditaments, for which they or any of them ſhall accept of ſuch reprize, and from which they or any of them ſhall be removed as aforeſaid, and the other third part of the premiſſes, and all other meſſuages, lands, tenements, and hereditaments, rents, intereſts, truſts and eſtates whatſoever, which at the time aforeſaid did belong to the ſaid Nicholas Plunkett, ſhall be by the ſaid commiſſioners ſet out and allotted and granted unto James Hamilton eſq; one of the grooms of his Majeſtie's bedchamber, and his heirs, executors, adminiſtrators and aſſignes reſpectively: and in caſe any perſon or perſons ſeized or poſſeſſed of the premiſſes, or any part thereof, ſhall not be willing to be reprized for or removed from the ſame as aforeſaid, the commiſſioners for execution of this act ſhall forthwith ſet out and allot unto the ſaid James Hamilton and his heirs, ſo much forfeited lands in ſome other convenient place, as may be equal in value, worth, and purchaſe, to the

Sir Nicholas Plunket's eſtate granted to James Hamilton,

adventurers, *&c.* thereon to be repriſed two thirds, if willing to be removed and accept the ſame;

if not willing, James Hamilton to have ſo much other forfeited lands of equal value.

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ſaid lands, tenements, and hereditaments, or to ſo much thereof as the ſaid adventurers and ſouldiers, or other perſons aforeſaid, ſhall be unwilling to be removed from; and herein they are required to proceed with all convenient ſpeed; any thing in the ſaid former or this preſent act to the contrary notwithſtanding.

The clauſe impowering the King to reſtore innocent papiſts to their houſes in corporations repealed.

CCXXI. And whereas in and by the ſaid former act, and the declaration therein recited, it was provided, that it ſhould and might be lawfull to and for his Majeſtie to reſtore any innocent papiſts, who were diſpoſſeſſed of their houſes in corporations, to their ſeverall and reſpective houſes within the ſaid corporations: his Majeſty is graciouſly pleaſed that it may be enacted, and be it enacted, that the ſaid clauſe, and the power thereby reſerved to his Majeſtie, ſhall be, and is hereby repealed, releaſed and diſcharged.

Richard Stephens to hold lands in Kells of which he was poſſeſſed 7th May 1659, and lying within the ſecurity for officers before 1649,

placing thereon unſatisfied debentures for arrears before 1649, to amount of 300l.

CCXXII. Provided always, and it is hereby enacted, That it ſhall and may be lawfull to and for Richard Stephens the younger to hold and enjoy to him and his heirs, all and ſingular the meſſuages and lands, tenements, and other the hereditaments, ſituate, lying and being in and about the town and corporation of Kells in the county of Eaſtmeath, whereof he the ſaid Richard Stephens the younger, by himſelf or his undertenants, was ſeized or poſſeſſed upon the ſeventh of May one thouſand ſix hundred fifty and nine, and which lie within the ſecurities ſet apart for the ſatisfaction of the commiſſioned officers who ſerved before the fifth of June one thouſand ſix hundred forty and nine, he, the ſaid Richard Stephens, placing thereupon ſo many debentures for arrears due for ſervice done before the ſaid fifth day of June one thouſand ſix hundred forty and nine, for which no ſatisfaction hath yet been given, and which are ſatisfiable by the rules of this or the ſaid former act, as do amount unto the full ſum of three hundred pounds; any thing in this or the ſaid former act to the contrary notwithſtanding.

Sir Theoph. Jones decreed to hold lands in Lucan only during life of Pat. Sarsfield, declared nocent,

afterwards to William Sarsfield in tail.

Sir Theophilus to be fully repriſed for the ſame and improvements.

CCXXIII. And whereas Sir Theophilus Jones knight was heretofore ſettled in and planted upon a meſſuage and certain lands in and about Lucan, and now, by virtue of ſome decree made by the commiſſioners for execution of the ſaid former act, and herein confirmed, is onely to enjoy the ſaid meſſuages and lands during the life of Patrick Sarsfield, who was declared nocent, after whoſe death the ſaid lands are declared to come unto William, ſon of the ſaid Patrick, an infant, and the heirs male of his body; by reaſon whereof, the ſaid Sir Theophilus Jones is likely to ſuſtain great prejudice, if due conſideration be not had of his improvements: be it declared and enacted, That the commiſſioners for execution of this act ſhall forthwith ſet out and allot unto the ſaid Sir Theophilus Jones and his heirs, ſo much

much forfeited land as may be ſufficient in value, worth, and purchaſe, fully to reprize the ſaid Sir Theophilus Jones for the meſſuage, lands, and improvements, which have been ſo evicted and decreed away from him; any clauſe, matter, or thing in this or the ſaid former act to the contrary notwithſtanding. A. D. 1665. Chap. 2.

Pierce Creagh to enjoy lands in Connaught and Clare, into which tranſplanted by the uſurpers.

CCXXIV. Provided always, That it ſhall and may be lawful to and for Pierce Creagh to hold and enjoy to him and his heirs all and ſingular the meſſuages, lands, tenements and hereditaments in the province of Connaught and county of Clare, or either of them, whereof he the ſaid Pierce Creagh is now in poſſeſſion by himſelf or his under-tenants, and into which the ſaid Pierce Creagh was tranſplanted by the late uſurpers; any thing in this or the ſaid former act to the contrary notwithſtanding.

Chief governors and council to impoſe on adventurers and ſoldiers by former act liable to payment of fees, ſums not above 5000*l.*

CCXXV. And becauſe the adventurers and ſouldiers are by this act exempted from payment of ſuch fees to the officers attending both houſes of Parliament, and others, as in and by the ſaid former act might have been demanded, or pretended to, as due: be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord lieutenant or other chief governour or governours of Ireland and council there, to aſſeſs and impoſe upon all and every the adventurers and ſouldiers, who by the ſaid former act were lyable or might be pretended to be lyable to the payment of ſuch fees, ſuch further and other ſums of money, not exceeding five thouſand pounds, as they ſhall think fit, and to cauſe the ſame to be levyed in ſuch manner as any other the ſums herein before impoſed are levyable, and to be paid to the receivers aforeſaid, to the end the ſame may be iſſued out unto and diſtributed amongſt ſuch officers, in ſuch manner, and according to ſuch proportions, as the lord lieutenant or other chief governour and council, after the advice of both houſes of Parliament thereupon had, ſhall direct and appoint.

to be levied and paid to receivers aforeſaid.

Will. Leg, in lieu of what retrenched, to enjoy the lands granted by letters patents, without defalcation.

CCXXVI. Provided alwayes, and be it further enacted by the authority aforeſaid, That colonel William Leg, one of the grooms of his Majeſtie's bed-chamber, ſhall, in lieu of what hath been retrenched of his proviſo in the former act, have, hold, and enjoy to him and his heirs for ever all and ſingular the lands, tenements and hereditaments, by his Majeſtie's letters patents to him granted, and paſſed under the great ſeal of Ireland, purſuant to, and according to the tenor and effect of his Majeſtie's letters under his privy ſignet and ſign manual, bearing date at Whitehall the nineteenth day of January one thouſand ſix hundred ſixty and three, without any retrenchment or defalcation whatſoever;

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whatſoever; any thing in this or the ſaid former act to the contrary notwithſtanding.

James Fitzgerald to have like advantages as ſaid 54 perſons.

CCXXVII. And be it further enacted, That James Fitz Gerald of Laragh in the county of Weſtmeath, and his heirs, ſhall have the like reſtitution, priviledges, advantages and benefits in all reſpects, as any of the fifty four perſons provided for by this act; any thing therein contained or otherwiſe to the contrary notwithſtanding.

John Arthur reſtored:

CCXXVIII. His Majeſtie being fully ſatisfied of the conſtant loyalty and innocence of Robert Arthur deceaſed, late of Dublin alderman, and of John Arthur his ſon and heir, who were both inhabitants of Dublin, is graciouſly pleaſed that it be enacted, and be it further enacted by the authority aforeſaid, That the ſaid John Arthur ſhall be by the ſaid commiſſioners reſtored unto, ſettled, and eſtabliſhed in the quiet poſſeſſion, and ſhall thenceforth have, hold, poſſeſs, and enjoy to him and his heirs, executors, adminiſtrators and aſſigns reſpectively, all and ſingular the mannors, houſes, caſtles, lands, tenements and hereditaments, reverſions, remainders, leaſes, rights, titles, intereſts and eſtates whatſoever in the kingdom of Ireland, which the ſaid Robert Arthur, or any other perſon or perſons in truſt for him, or to his uſe, had, held or enjoyed on the twentie ſecond of October one thouſand ſix hundred forty and one, or at any time ſince; except what thereof is in the hands of adventurers or ſouldiers, or is in the city of Dublin, for which the ſaid John is to be forthwith reprized elſewhere, to the full value thereof, as near and contiguous to the ſaid city as conveniently may be; and the ſaid John Arthur is likewiſe reſtored unto, and is hereby enabled to demand, recover, and receive to his own uſe, all and ſingular the debts and ſums of money, which at any time heretofore were due and owing to him the ſaid Robert Arthur, and are ſtill unpaid; this preſent or any other act, clauſe, matter or thing therein to the contrary notwithſtanding.

except to what in hands of adventurers, &c. or in Dublin, for which to be fully repriſed near Dublin, enabled to recover debts due to Robert Arthur.

Lord Antrim's debts compounded.

CCXXIX. And whereas Randall marqueſs of Antrim did, on or about the twenty firſt day of November in the year of our Lord one thouſand ſix hundred thirty and ſeven, demiſe and grant the barony of Cary, the lordſhip of Ballycaſtle, and the iſland of Ratchcline, and all the lands, tenements and hereditaments within the ſaid barony, iſland and lordſhip, unto Alexander Macdonnell, John Moore, Archibald Steward, and John Trayleman, for the term of ninety nine years, from Michaelmas one thouſand ſix hundred thirty and ſeven, in truſt for payment of certain debts in a ſchedule thereunto annexed, for which the ſaid Alexander Macdonnell, John Moore, Archibald Steward, and John Trayleman, or ſome of them, were joyntly bound for

Leaſe by lord Antrim for 99 years, from Michaelmas 1637, for payment of debts in a ſchedule, and as counterſecurity to leſſees engaged for him;

the

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the ſaid marqueſs, and for their counter ſecurity againſt thoſe ingagements; which ſaid leaſe of ninety nine years was in and by a clauſe in the ſaid former act enacted to be of the effect and force in law, and no other, as the ſame was before the making of the ſaid act, and was alſo therein and thereby tranſferred from the ſaid leaſees unto and veſted and ſettled in Martin Noell, then eſq; now Sir Martin Noell knight, Thomas Carleton citizen and mercer of London, and John Bradburne of the Middle Temple London gentleman, in truſt to diſpoſe the rents and profits thereof towards the payment of all ſuch debts as were intended by the ſaid leaſe to be ſecured, which debts are yet but very ill ſecured, in regard the ſaid marqueſs was but tenant in taile of the premiſſes at the time of the making of the ſaid leaſe, and ſo ſtill continues, by reaſon whereof the ſaid leaſe will become of no force and effect in law after the death of the ſaid marqueſs: nevertheleſs, to the end that ſome more certain and laſting proviſion may be made for the payment of ſuch debts as were thereby intended to be ſecured, in ſuch proportions, and upon ſuch terms and conditions as are herein after mentioned, be it enacted by the authority aforeſaid, That the reverſion and inheritance of all and ſingular the premiſſes ſhall be and hereby is veſted and ſettled in Martin Noell eſq; ſon and heir apparent of the ſaid Sir Martin Noell, George Blake and John Robinſon of the city of London eſquires, upon theſe truſts following; that is to ſay, if any perſon or perſons, their executors, adminiſtrators or aſſignes, to whom any debt is owing, which was intended by that leaſe to be ſecured, will, at any time before the nine and twentieth of September one thouſand ſix hundred ſixty and ſeven, accept of one moyety or half of his or their principal money due, and have intereſt for the ſaid moyety from the time of ſuch acceptance, at the rate of ten pounds *per centum*, in full ſatisfaction of his or their whole debt intended by the ſaid leaſe to be ſecured, and ſhall declare his or their acceptance by writing under their hands and ſeals, to be acknowledged before the lord chancellor, maſter of the rolles, or any maſter in chancery either in England or Ireland, and to be regiſtred in the rolls of either kingdom; and if the ſaid marqueſs ſhall happen to dye after ſuch acceptance declared, and before the ſaid moyety of the principal money, intereſt at the rate aforeſaid, be fully ſatisfied and paid, then the ſaid truſtees of the reverſion and inheritance of the premiſſes, the ſurvivor and ſurvivors of them, and the heir of the ſurvivor, ſhall, out of the rents, iſſues, and profits thereof, pay, or cauſe to be paid, the ſaid moyetie of the principal, with intereſt as aforeſaid, or ſo much thereof as at the time of the ſaid marqueſſes death ſhall be

transferred by former act, in truſt for payment of debts intended to be ſecured.

Lord Antrim only tenant in taile:

to make more certain and laſting proviſion,

the reverſion and inheritance veſted in truſtees.

If any creditors before 29 September 1667, accept a moiety in ſatisfaction under hand and ſeal and regiſtered,

and if Lord Antrim ſhould die before,

truſtees ſhall pay the moiety out of rents, &c.

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be behind and unpaid: and if the ſaid marqueſs or his heirs ſhall at any time before the nine and twentieth of September, which ſhall be in the year of our Lord one thouſand ſix hundred ſeventy and five, pay, or cauſe to be paid, all and every ſuch creditors, their executors or aſſigns, who, before the nine and twentieth of September one thouſand ſix hundred ſixty and ſeven, ſhall compound as aforeſaid, their full compoſition money, with intereſt as aforeſaid, then the reverſion and inheritance of the premiſſes ſhall be and is hereby transferred unto and veſted and ſettled in the ſaid marqueſs and his heirs.

If lord Antrim before 29 September 1667, pays the full compoſition money, the reverſion, &c. veſted in him.

CCXXX. Nevertheleſs it is hereby declared and enacted, That no ſettlement of the reverſion and inheritance by this act, nor any fine, recovery, or other act or thing done or ſuffered, or to be done or ſuffered, by the ſaid truſtees of the reverſion and inheritance of the premiſſes, without the privity and conſent of him the ſaid marqueſs, ſhall any wayes extend or be conſtrued to give any ſtrength or continuance to the ſaid leaſe for ninety nine years, further than during the life of the ſaid marqueſs, but that the ſaid leaſe, from and after the death of the ſaid marqueſs, ſhall be, and ſo hereby is declared to be fully determined both in law and equity, to all intents and purpoſes.

No ſettlement or act by ſaid truſtees without his conſent, ſhall give continuance to ſaid leaſe beyond his life.

CCXXXI. And it is further declared, That no creditor, who ſhall refuſe to come in and compound as aforeſaid, ſhall be admitted to have any benefit in or by the truſt of the reverſion and inheritance as aforeſaid.

Creditors not compounding not admitted to the benefit:

CCXXXII. And where any debts ſecured by the ſaid leaſe ſhall be compounded and agreed at one moyety of the principal, with intereſt as aforeſaid, to the end that ſuch compoſition may not availe or profit ſuch other creditors who ſhall refuſe to compound as aforeſaid, it is further declared and enacted, That the other moyety of the ſaid principal debt, with the intereſt thereof, ſhall be and is hereby veſted in and made payable to the ſaid marqueſs, and that he the ſaid marqueſs ſhall have the like benefit for the payment and ſatisfaction thereof, out of the leaſe of ninety nine years, as any other creditor refuſing to compound can or may have; and the truſtees of the ſaid leaſe ſhall pay and ſatisfie the ſaid marqueſſes executors and adminiſtrators the other moyety of the ſaid debt ſo compounded, with the intereſt thereof, equally, and in like manner and proportion, as the not compounding creditor can or may be ſatisfied; this act, or any other law to the contrary notwithſtanding.

and the other moiety of the debt veſted in lord Antrim.

CCXXXIII. And it is further declared by the authority aforeſaid, That the ſaid Alexander Mac Donnell, John Moor, Archibald Steward, and John Trayleman, ſuerties for the ſaid marqueſs, and counter ſecured by the ſaid leaſe for ninety nine years,

His ſuretles diſcharged.

untill the ſame was transferred as aforeſaid, and every of them, their and every of their heirs, executors and adminiſtrators, ſhall be and are hereby diſcharged of and from all actions, ſuites, executions and demands which can or may be had againſt them, or any of them, their or any of their lands, tenements, goods or chattells, for or in reſpect of any of the ſaid debts intended by the ſaid leaſe to be ſecured as aforeſaid. A. D. 1665.

CCXXXIV. His Majeſtie taking notice of the barbarous and uncouth names, by which moſt of the towns and places in this kingdom of Ireland are called, which hath occaſioned much damage to diverſe of his good ſubjects, and are very troubleſome in the uſe thereof, and much retards the reformation of that kingdom, for remedy thereof is pleaſed that it be enacted, and be it enacted by the authority aforeſaid, that the lord lieutenant and council ſhall and may adviſe of, ſettle, and direct in the paſſing of all letters patents in that kingdom for the future, how new and proper names more ſuitable to the Engliſh tongue may be inſerted with an *alias* for all towns, lands and places in that kingdom, that ſhall be granted by letters patents; which new names ſhall thenceforth be onely names to be uſed, any law, ſtatute, cuſtome, or uſage to the contrary notwithſtanding.

New names more ſuitable to Engliſh tongue to be inſerted, as directed by lord lieutenant and council, in letters patents, with an *alias* for towns and places.

and only uſed henceforth.

CHAP. III.

An Act for the Confirmation of Marriages.

WHEREAS by virtue or colour of certain ordinances, or certain pretended acts or ordinances, divers marriages ſince the beginning of the late troubles have been had and ſolemnized in ſome other manner than hath been formerly uſed and accuſtomed within this kingdom: now for the preventing and avoiding of all doubts and queſtions, which may be made touching the ſame; may it pleaſe your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, that all marriages had or ſolemnized in this kingdom of Ireland ſince the firſt day of May, which was in the year of our Lord Gode one thouſand ſix hundred forty and two, before any juſtice or reputed juſtice of the peace of this your Majeſtie's kingdom of Ireland, and by ſuch juſtice or reputed juſtice ſo pronounced or declared, and all marriages within this kingdom ſince the ſame firſt day of May, in the ſaid year of our Lord God one thouſand ſix hundred forty and two, had or ſolemnized according to the

12 *C.* 2. 33. *Eng.*

Marriages unuſually ſolemnized during the troubles, to avoid all diſputes, ſuch marriages ſince 1 May 1642, to be of ſame force as if duly ſolemniſed.

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the directions or true intent of any act or ordinance, or reputed act or ordinance of one or both houſes of the Parliament of England, or of any convention ſitting at Weſtminſter, under the name, ſtile or title of a Parliament, or aſſumeing the name, ſtile or title of a Parliament, ſhall be and are hereby adjudged, eſteemed, and declared to be and to have been of the ſame force and effect in law, as if ſuch marriages had been had and ſolemnized according to the rites and ceremonies eſtabliſhed or uſed in the church of Ireland; any law, cuſtome, or uſage to the contrary thereof notwithſtanding.

Iſſues on baſtardy or lawfulneſs of marriage tried by jury, as in other iſſues at common law.

II. And be it further enacted, that where in any ſuit, commenced or to be commenced in any of the courts of the common law within this kingdom, any iſſue hath been joyned, and not already tryed or determined, or ſhall be joyned upon the point of baſtardy or lawfulneſs of marriage, for or concerning the marriages had and ſolemnized as aforeſaid, the ſame iſſues ſhall be tryed by jury of twelve men, according to the courſe of tryal uſed in other iſſues tryable by jury at the common law, and not otherwiſe; any law, ſtatute, or uſage to the contrary thereof in any wiſe notwithſtanding.

CHAP. IV.

Private. *An Act for the veſting in and ſettling upon Sir William Domevile, Knight, his Majeſtie's Attorney General of Ireland, his Heirs and Aſſigns for ever, a Parcel of Land Part of the Poſſeſſions belonging to the Canons of St. Patrick, Dublin, upon an Agreement with the Dean and Chapter thereof, paying thereunto a certain yearly Rent.*

CHAP. V.

Private. *An Act for the ſecuring ſeveral Lands, Tenements and Hereditaments unto George Duke of Albemarl.*

A. D. 1665.

CHAP. VI.

An Act for the Uniformity of Publique Prayers and Adminiſtration of Sacraments, and other Rites and Ceremonies; and for eſtabliſhing the Forme of making, ordaining, and conſecrating Biſhops, Prieſts and Deacons, in the Church of Ireland.

13 & 14 *C.* 2. 4. *Eng.*

Peace, and advancement of religion by univerſal agreement in publick worſhip of God.

WHEREAS nothing conduceth more to the honour of God, the ſetling of the peace of a nation, which is deſired of all good men, nor to the advancement of religion, than an univerſal agreement in the publique worſhip of Almighty God; and to the intent that we, his Majeſtie's ſubjects of this his kingdom of Ireland, may in this church of Ireland hold the ſame conformity of common-prayers and adminiſtration of the ſacraments, and other the rites and ceremonies of the church, according to the uſe of the church of England, together with the pſalter or pſalms of David, pointed as they are to be ſung or ſaid in churches, and the form and manner of making, ordaining, or conſecrating of biſhops, prieſts and deacons, which was recommended unto both houſes of convocation here aſſembled in Ireland, to conſider whether the ſame forme of publique worſhip might not be profitably received, as the publique form of divine ſervice in this your Majeſtie's kingdom of Ireland: whereupon both houſes of convocation did diligently conſider the ſame, and after mature conſideration, well weighing the great advantages that muſt neceſſarily ariſe unto the whole kingdome from the uniformity of publique prayers, did fully approve and allow the ſame, and have exhibited and preſented unto your Majeſtie's lord lieutenant and council here in Ireland, one book hereunto annexed, intituled, *The book of common prayer and adminiſtration of ſacraments, and other rites and ceremonies of the church, according to the uſe of the church of Ireland, together with the pſalter or pſalms of David, pointed as they are to be ſung or ſaid in churches; and the form or manner of making, ordaining and conſecrating of biſhops, prieſts and deacons.* Therefore to the intent that the greatly deſirable work of uniformity in divine worſhip may be obtained, and that every perſon within this your Majeſtie's realm of Ireland may certainly know the rule to which he is to conform in publique worſhip and adminiſtration of ſacraments, and other rites and ceremonies of the church of Ireland; and the manner how and by whom biſhops, prieſts and deacons are and ought to be made, ordained and conſecrated: may it pleaſe your Majeſtie that it be enacted, and be it enacted by the King's moſt excellent Majeſtie, by and with the

Both houſes of convocation, to whom it was recommended to conſider whether the ſame form uſed in England might not be profitably received in Ireland, approved thereof,

and preſented to lord lieutenant and council the book of common prayer.

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advice and conſent of the lords ſpiritual and temporal and of the commons in this preſent Parliament aſſembled, and by the authority of the ſame, that all and ſingular miniſters in any cathedral, collegiate or pariſh church or chappel, or other place of publique worſhip within this realm of Ireland, ſhall be bound to ſay and uſe the morning prayer, evening prayer, celebration and adminiſtration of both the ſacraments, and all other the publique and common prayer, in ſuch order and forme as is mentioned in the ſaid book annexed and joined to this preſent act, and intituled, *The book of common prayer, and adminiſtration of the ſacraments, and other rites and ceremonies of the church, according to the uſe of the church of Ireland, together with the pſalter or pſalms of David, pointed as they are to be ſung or ſaid in churches; and the form and manner of making, ordaining and conſecrating of biſhops, prieſts and deacons:* and that the morning and evening prayers therein contained ſhall upon every Lord's day, and upon all other days and occaſions, and at the times therein appointed, be openly and ſolemnly read by all and every miniſter or curate in every church, chappel, or other place of publique worſhip within this his Majeſtie's realm of Ireland.

Said book, to this act annexed, ſhall be uſed in all places of publick worſhip.

II. And to the end that uniformity in the publique worſhip of God which is ſo much deſired, may be ſpeedily effected; be it further enacted by the authority aforeſaid, That every parſon, vicar, or other miniſter whatſoever, who now hath and enjoyeth any eccleſiaſtical benefice or promotion within this realm of Ireland, ſhall in the church, chappel or place of publique worſhip belonging to his ſaid benefice or promotion, upon ſome Lord's day before the feaſt day of the annunciation of the bleſſed Virgin Mary, which ſhall be in the year of our Lord God one thouſand ſix hundred ſixty and ſeven, openly, publiquely, and ſolemnly read the morning and evening prayer appointed by this act to be read, by and according to the ſaid book of common prayer, at the times thereby appointed; and after ſuch reading thereof, ſhall openly and publiquely before the congregation there aſſembled declare his unfeigned aſſent and conſent to the uſe of all things in the ſaid book contained and preſcribed, in theſe words, and no other:

All miniſters enjoying eccleſiaſtical benefices, to read and declare aſſent to uſe the ſame,

I A. B. *do hereby declare my unfeigned aſſent and conſent to all and every thing contained and preſcribed in and by the book, intituled,* [*The book of common prayer, and adminiſtration of the ſacraments, and other rites and ceremonies of the church, according to the uſe of the church of Ireland, together with the pſalter or pſalms of David, pointed as they are to be ſung or ſaid*

ſaid in churches; and the form and manner of making, ordaining and conſecrating of biſhops, prieſts and deacons.] A. D. 1665. Chap. 6.

on pain of deprivation.

And that all and every ſuch perſon, who ſhall, without ſome lawful impediment to be allowed and approved of by the ordinary of the place, neglect or refuſe to do the ſame within the time aforeſaid, or in caſe of ſuch impediment, within one month after ſuch impediment removed, ſhall *(ipſo facto)* be deprived of his ſpiritual promotions; and that from thenceforth it ſhall be lawful to and for all patrons and donors of all and ſingular the ſaid ſpiritual promotions, or any of them, according to their reſpective right and titles, to preſent or collate to the ſame, as though the perſon or perſons ſo offending or neglecting were dead.

The like by every perſon hereafter promoted.

III. And be it further enacted by the authority aforeſaid, That every perſon who ſhall hereafter be preſented or collated, or put into any eccleſiaſtical benefice or promotion within this his Majeſtie's realm of Ireland, ſhall in the church, chappel or place of publick worſhip belonging to his ſaid benefice or promotion, within two moneths next after that he ſhall be in the actual poſſeſſion of the ſaid eccleſiaſtical benefice or promotion, upon ſome Lord's day, openly, publickly and ſolemnly read the morning and evening prayers appointed to be read by and according to the ſaid book of common prayer, at the times thereby appointed; and after ſuch reading thereof, ſhall openly and publiquely before the congregation there aſſembled, declare his unfeigned aſſent and conſent to the uſe of all things therein contained and preſcribed, according to the forme before appointed; and that all and every ſuch perſon, who ſhall (without ſome lawfull impediment to be allowed and approved by the ordinary of the place) neglect or refuſe to do the ſame within the time aforeſaid, or in caſe of ſuch impediment, within one moneth after ſuch impediment removed, ſhall *(ipſo facto)* be deprived of all his ſaid eccleſiaſtical benefits and promotion; and that from thenceforth it ſhall and may be lawfull to and for all patrons and donors of all and ſingular the ſaid eccleſiaſtical benefices and promotions, or any of them (according to their reſpective rights and titles) to preſent or collate to the ſame, as though the perſon or perſons ſo offending or neglecting were dead.

Incumbent reſiding and keeping a curate ſhall once at leaſt every month openly read the ſame, and if neceſſary adminiſter the rites,

IV. And be it further enacted by the authority aforeſaid, That in all places where the proper incumbent of any parſonage or vicarage, or benefice with cure, doth reſide on his living, and keep a curate, the incumbent himſelf in perſon, not having ſome lawfull impediment, to be allowed by the ordinary of the place, ſhall once at leaſt in every month, openly and publickly

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read the common prayers and ſervice in and by the ſaid book preſcribed, and if there be occaſion adminiſter each of the ſacraments, and other rites of the church, in the pariſh church or chappel of or belonging to the ſame parſonage, vicarage or benefice, in ſuch order, manner and form, as in and by the ſaid book is appointed, upon pain to forfeit the ſum of five pounds to the uſe of the poor of the pariſh for every offence, upon conviction by confeſſion, or proof of two credible witneſſes upon oath, before two juſtices of the county, city, or town-corporate where the offence ſhall be committed (which oath the ſaid juſtices are hereby impowered to adminiſter) and in default of payment within ten days, to be levied by diſtreſs and ſale of the goods and chattles of the offendor, by the warrant of the ſaid juſtices by the church-wardens or overſeers of the poor of the ſaid pariſh, rendring the ſurpluſage to the party offending.

on pain of 5l. to poor of the pariſh.

to be levied by diſtreſs and ſale by church wardens.

Deans and other dignitaries, heads and fellows of colleges or hoſpitals, &c. all perſons in holy orders, ſchool-maſters and private tutors, ſhall ſubſcribe the declaration following,

V. And be it further enacted by the authority aforeſaid, That every dean and other dignitary, canon, prebendary, and warden of every cathedral or collegiate church, and all maſters and other heads, fellows, chaplains and tutors of or in any colledge, hall, houſe of learning or hoſpital, and every publick profeſſor and reader in any univerſities, colledge or colledges which are or ſhall be within this realm, and every parſon, vicar, curate, lecturer, and every other perſon in holy orders, and every ſchool-maſter keeping any publique or private ſchool, and every perſon inſtructing or teaching any youth in any houſe or private family as a tutor or ſchool-maſter, who upon the feaſt of St. John Baptiſt, which ſhall be in the year of our Lord one thouſand ſix hundred ſixty and ſeven, or any time hereafter, ſhall be incumbent, to have poſſeſſion of any deanry, dignity, canonry, prebend, wardenſhip, maſterſhip, headſhip, fellowſhip, profeſſor's place, or reader's place, parſonage, vicarage, or any other eccleſiaſtical dignity or promotion, or of any curate's place, lecture or ſchool, or ſhall inſtruct or teach any youth as tutor or ſchool-maſter, ſhall before the nine and twentieth day of September, which ſhall be in the year of our Lord one thouſand ſix hundred ſixty and ſeven, or at or before his or their reſpective admiſſions to be incumbent, or have poſſeſſion of any the dignities, promotions or places aforeſaid, ſubſcribe the declaration or acknowledgement following; *ſcilicet.*

The declaration.

I A. B. *do declare, That it is not lawful upon any pretence whatſoever to take arms againſt the King; and that I do abhor that traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſionated by him; and that I will conform to the liturgie of the church of* Ireland, *as it is now by law eſtabliſhed;*

eſtabliſhed; and I do declare, that I do hold, that there lies no obligation upon me, or on any other perſon, from the oath commonly called [*The Solemn League and Covenant*] *to endeavour any change or alteration of government, either in church or ſtate, and that the ſame was in itſelf an unlawful oath.*

altered by 4 G. 1. 3.

Subſcription, before vice-chancellor, &c.

Which ſaid declaration and acknowledgment ſhall be ſubſcribed by every of the ſaid maſters, and other heads, fellows, chaplains and tutors of or in any colledge, hall, or houſe of learning, which are or ſhall be within this kingdom, and by every publick profeſſor and reader in any univerſitie, colledge or colledges within this kingdom, before the vice-chancellor, or viſitor or viſitors of the ſaid colledge, hall, or his or their deputies; and the ſaid declaration or acknowledgement ſhall be ſubſcribed before the reſpective archbiſhop, biſhop, or ordinarie of the dioceſs, by every other perſon hereby enjoined to ſubſcribe the ſame; upon pain that all and every the perſons aforeſaid, failing in or refuſing ſuch ſubſcriptions, ſhall loſe and forfeit ſuch his reſpective deanrie, dignitie, canonrie, prebend, wardenſhip, maſterſhip, headſhip, fellowſhip, profeſſor's place, reader's place, parſonage, vicarage, eccleſiaſtical dignitie or promotion, curate's place, lecture and ſchool, and ſhall be utterly diſabled and *(ipſo facto)* deprived of the ſame; and that every ſuch reſpective deanrie, canonrie, prebend, maſterſhip, headſhip, fellowſhip, profeſſor's place, reader's place, parſonage, vicarage, eccleſiaſtical dignitie or promotion, curate's place, lecture and ſchool, ſhall be void, as if ſuch perſon ſo failing or refuſing were naturally dead.

Penalty for not ſubſcribing, to be diſabled and deprived.

School-maſters and private tutors to take oath of allegiance and ſupremacy,

VI. And be it further enacted by the authority aforeſaid, That every ſchool-maſter, or other perſon inſtructing or teaching youth in any private houſe or familie as a tutor or ſchool-maſter, be required to take the oath of allegiance and ſupremacie, which oath is to be adminiſtred by the ordinarie; and if any ſchool-maſter or other perſon, inſtructing or teaching youth in any private houſe or familie as a tutor or ſchool-maſter, ſhall inſtruct or teach any youth as a tutor or ſchool-maſter, before licence obtained from his reſpective archbiſhop, biſhop or ordinarie of the dioceſs, according to the laws and ſtatutes of this kingdom (for which he ſhall pay twelve pence onely) and before ſuch ſubſcription and acknowledgment made as aforeſaid, and before ſuch taking of the oath of allegiance and ſupremacie as aforeſaid; then every ſuch ſchool-maſter and other, inſtructing and teaching as aforeſaid, ſhall, for the firſt offence, ſuffer three months impriſonment, without bail or mainprize; and for every ſecond and other ſuch offence, ſhall ſuffer three months impriſonment without bail or mainprize, and alſo forfeit to his Majeſtie the ſum of five pounds; and after ſuch ſubſcription made, every ſuch

and before they teach obtain licence from the ordinary, paying 12d. only.

Penalty on them.

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parſon, vicar, curate and lecturer, ſhall procure a certificate under the hand and ſeale of the reſpective archbiſhop, biſhop or ordinary of the dioceſs, who are hereby enjoyned and required, upon demand, to make and deliver the ſame, and ſhall publickly and openly read the ſame, together with the declaration or acknowledgment aforeſaid, upon ſome Lord's day within three months then next following, in his pariſh church where he is to officiate, in the preſence of the congregation there aſſembled, in the time of divine ſervice; upon pain that every perſon failing therein ſhall loſe ſuch parſonage, vicarage or benefice, curate's place, or lecturer's place reſpectively, and ſhall be utterly diſabled, and *(ipſo facto)* deprived of the ſame; and that the ſaid parſonage, vicarage or benefice, curate's place, or lecturer's place, ſhall be void as if he were naturally dead.

Parſons, &c. to procure certificate from the ordinary, and publickly read the ſame with the declaration, on pain of deprivation.

VII. Provided always, That from and after the twenty fifth day of March, which ſhall be in the year of our Lord God one thouſand ſix hundred eighty and two, there ſhall be omitted in the ſaid declaration or acknowledgment, ſo to be ſubſcribed and read, theſe words following, *(ſcil.)*

Part of the declaration to be omitted after 1682.

And I do declare, that I do hold, That there lies no obligation on me, or any other perſon, from the oath commonly called, [*The Solemn League and Covenant*] *to endeavour any change or alteration of government either in church or ſtate, and that the ſame was in itſelf an unlawful oath.*

So as none of the perſons aforeſaid, ſhall from thenceforth be at all obliged to ſubſcribe or read that part of the ſaid declaration or acknowledgment.

VIII. Provided always, and be it enacted, That from and after the twenty ninth day of September, which ſhall be in the year of our Lord one thouſand ſix hundred ſixty and ſeven, no perſon, who now is incumbent and in poſſeſſion of any parſonage, vicarage or benefice, and who is not already in holy orders by epiſcopal ordination, or ſhall not before the ſaid twenty ninth day of September be ordained prieſt or deacon, according to the form of epiſcopal ordination, ſhall have, hold or enjoy the ſaid parſonage, vicarage, benefice with cure, or other eccleſiaſtical promotion within this kingdom of Ireland, but ſhall be utterly diſabled, and *(ipſo facto)* deprived of the ſame, and all his eccleſiaſtical promotion ſhall be void, as if he were naturally dead.

Perſons not ordained according to epiſcopal ordination, not to hold any eccleſiaſtical promotion,

IX. And be it further enacted by the authority aforeſaid, That no perſon whatſoever ſhall thenceforth be capable to be admitted to any parſonage, vicarage, benefice, or other eccleſiaſtical promotion or dignity whatſoever; nor ſhall preſume to conſecrate

nor conſecrate and adminiſter the ſacrament,

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crate and administer the holy sacrament of the Lord's Supper, before such times as he shall be ordained priest, according to the form and manner in and by the said book prescribed, unless he have formerly been made priest by episcopal ordination; upon pain to forfeit, for every offence, the sum of one hundred pounds; one moyetie thereof to the King's Majestie; the other moyetie thereof to be equally divided between the poor of the parish where the offence shall be committed, and such person or persons as shall sue for the same by action of debt, bill, plaint, or information in any of his Majestie's courts of record, wherein no essoyn, protection, or wager of law shall be allowed, and to be disabled from taking or being admitted into the order of priest, by the space of one whole year then next following.

Penalty 100l. half to the King, half to poor of the parish and informer, and disability for one year.

X. Provided alwayes, That no title to confer or present by lapse shall accrew by any avoidance or deprivation *(ipso facto)* by virtue of this statute, but after six months after notice of such avoidance or deprivation given by the ordinary to the patron, or such sentence of deprivation openly and publickly read in the parish church of the benefice, parsonage or vicarage becoming void, or whereof the incumbent shall be deprived by virtue of this act.

No title by lapse to accrue by such deprivation, but after 6 months notice by ordinary, or the publick reading the sentence.

XI. And be it further enacted by the authority aforesaid, That no form or order of common prayers, administration of sacraments, rites or ceremonies, shall be openly used in any church, chappel, or other publique place, of or in any colledge or hall in any university, colledge or colledges within this realm, or any of them, other then what is prescribed and appointed to be used in and by the said book; and that the present governour, or head of every colledge and hall in the university, and of the said colledge or colledges, within one month after the twenty ninth day of September, which shall be in the year of our Lord one thousand six hundred sixty and seven, and every governour, or head of any of the said colledges or halls hereafter to be elected or appointed, within one month next after his election or collation, and admission into the same government or headship, shall openly and publiquely in the church, chappel, or other publique place of the same colledge or hall, and in the presence of the fellows and scholars of the same, or the greater part of them then resident, subscribe to the thirty nine articles of religion agreed upon by the archbishops and bishops and the whole clergy in the convocation holden at London in the year of our Lord one thousand five hundred sixty and two, for the avoiding of diversities of opinion, and for establishing of consent touching true religion, and unto the said book, and declare his unfeigned assent and consent unto, and approbation of the said

No other form of prayer or rites shall be openly used in church, &c.

Heads of colleges in one month shall read and subscribe the 39 articles agreed upon in convocation at London 1562, for avoiding diversity of opinion, and declare his assent.

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articles, and of the ſame book, and to the uſe of all the prayers, rites and ceremonies, forms and orders in the ſaid book preſcribed and contained, according to the form aforeſaid; and that all ſuch governours or heads of the ſaid colledges and halls, or any of them, as are or ſhall be in holy orders, ſhall once at leaſt in every quarter of the year, not having a lawful impediment, openly and publickly read the morning prayer and ſervice in and by the ſaid book appointed to be read in the church, chappel, or other publick place of the ſame colledge or hall; upon pain to loſe and be ſuſpended of and from all the benefits and profits belonging to the ſaid government or headſhip by the ſpace of ſix months, by the viſitor or viſitors of the ſame colledge or hall; and if any governour or head of any colledge or hall ſuſpended for not ſubſcribing unto the ſaid articles and book, or for not reading of the morning prayer and ſervice aforeſaid, ſhall not, at or before the end of ſix months next after ſuch ſuſpenſion, ſubſcribe to the ſaid articles and book, and declare his conſent thereunto as aforeſaid, or read the morning prayer and ſervice as aforeſaid, then ſuch government or headſhip ſhall be *(ipſo facto)* void; provided that the penalties in this act ſhall not extend to the forreigners or aliens of the forreign reformed churches allowed or to be allowed by the King's Majeſty, his heirs and ſucceſſors, in this kingdom.

and if in holy orders, ſhall once a quarter publickly read ſaid ſervice,

Penalty, ſuſpenſion ſix months by the viſitor,

if not done in 6 months after, the headſhip void.

Said penalties not to extend to aliens of foreign reformed churches allowed.

XII. Provided always, That it ſhall and may be lawful to uſe the morning and evening prayer, and all other prayers and ſervices preſcribed in and by the ſaid book, in the chappels or other publick places of any colledges, halls or univerſities within this realm, and in the convocations of the clergy, in Latine; any thing in this act contained to the contrary notwithſtanding.

Where ſervice in latin may be uſed.

XIII. And be it further enacted by the authority aforeſaid, That no perſon ſhall be or be received as a lecturer, or permitted, ſuffered, or allowed to preach as a lecturer, or to preach or read any ſermon or lecture in any church, chappel, or other place of publique worſhip within this realm of Ireland, unleſs he be firſt approved and thereunto licenſed by the archbiſhop of the province, or biſhop of the dioceſs, or (in caſe the ſee be void) by the guardian of the ſpiritualities, under his ſeal, and ſhall in the preſence of the ſame archbiſhop, or biſhop, or guardian, read the nine and thirty articles of religion above mentioned, with declaration of his unfeigned aſſent to the ſame; and that every perſon and perſons, who now is or hereafter ſhall be licenſed, aſſigned, appointed, or received as a lecturer to preach upon any day of the week in any church, chappel

No lecturer or preacher allowed till thereto licenced.

Shall read and declare his aſſent to the 39 articles and book of common prayer,

or place of publick worſhip within this realm of Ireland, the firſt time he preacheth, before his ſermon, ſhall openly, publickly and ſolemnly read the common prayers and ſervice in and by the ſaid book appointed to be read for that time of the day, and then and there publickly and openly declare his aſſent unto and approbation of the ſaid book, and to the uſe of all the prayers, rites and ceremonies, forms and orders therein contained and preſcribed, according to the form before appointed in this act; and alſo ſhall upon the firſt lecture day of every month afterwards, ſo long as he continues lecturer or preacher there, at the place appointed for his ſaid lecture or ſermon, before his ſaid lecture or ſermon, openly, publickly and ſolemnly read the common prayers and ſervice in and by the ſaid book appointed to be read for that time of the day at which the ſaid lecture or ſermon is to be preached, and after ſuch reading thereof ſhall openly and publickly, before the congregation there aſſembled, declare his unfeigned aſſent and conſent unto and approbation of the ſaid book, and to the uſe of all the prayers, rites and ceremonies, forms and orders therein contained and preſcribed, according to the form aforeſaid; and that all and every ſuch perſon and perſons, who ſhall neglect or refuſe to do the ſame, ſhall from thenceforth be diſabled to preach the ſaid or any other lecture or ſermon in the ſaid or any other church, chappel or place of publick worſhip, until ſuch time as he and they ſhall openly, publickly and ſolemnly read the common prayers and ſervice appointed by the ſaid book, and conform in all points to the things therein appointed and preſcribed, according to the purport, true intent and meaning of this act.

on pain of diſability.

XIV. Provided always, That if the ſaid ſermon or lecture be to be preached or read in any cathedral or collegiate church or chappel, it ſhall be ſufficient for the ſaid lecturer, openly at the time aforeſaid, to declare his aſſent and conſent to all things contained in the ſaid book, according to the form aforeſaid.

If in cathedral or collegiate churches ſufficient to declare aſſent to ſaid book.

XV. And be it further enacted by the authority aforeſaid, That if any perſon, who is by this act diſabled to preach any lecture or ſermon, ſhall, during the time that he ſhall continue and remain ſo diſabled, preach any ſermon or lecture, that then, for every ſuch offence, the perſon and perſons ſo offending ſhall ſuffer three months impriſonment in the common goal, without bail or mainprize, and that any two juſtices of the peace of any county of this kingdom, and the mayor or other chief magiſtrate of any city or town corporate within the ſame, upon certificate from the ordinary of

Penalty of preaching during diſability, three months impriſonment.

A. D. 1665. Chap. 6.

the place made to him or them of the offence committed, ſhall, and are hereby required to commit the perſon or perſons ſo offending to the goal of the ſame county, city or town corporate accordingly.

Common Prayer to be read before every ſermon, the lecturer preſent.

XVI. Provided always, and be it further enacted by the authority aforeſaid, That at all and every time and times when any ſermon or lecture is to be preached, the common prayers and ſervice in and by the ſaid book appointed to be read for that time of the day, ſhall be openly, publickly and ſolemnly read by ſome prieſt or deacon in the church, chappel, or place of publick worſhip, where the ſaid ſermon or lecture is to be preached, before ſuch lecture or ſermon be preached, and that the lecturer then to preach ſhall be preſent at the reading thereof.

Sermons and lectures in colleges may be preached as uſual there.

XVII. Provided nevertheleſs, That this act ſhall not extend to the chappels in the univerſity, colledge or colledges, that are or ſhall be in this realm, or any of them, when or at ſuch times as any ſermon or lecture is preached or read in the ſaid chappels, or any of them, for or as the publique univerſity ſermon or lecture; but that the ſame ſermons and lectures may be preached and read in ſuch ſort and manner as the ſame have been heretofore preached or read in the ſaid univerſity or colledge; this act, or any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

The former ſtatute for uniformity to ſtand in force for eſtabliſhing ſaid book, and uſed for puniſhing offences with relation thereto.

XVIII. And be it further enacted by the authority aforeſaid, That the law and ſtatute of this realm, which hath been formerly made, and is now in force, for the uniformity of prayer and adminiſtration of the ſacraments within this realm of Ireland, ſhall ſtand in full force and ſtrength to all intents and purpoſes whatſoever, for the eſtabliſhing and confirming of the ſaid book, intituled, *The book of Common-prayer, and adminiſtration of the ſacraments, and other rites and ceremonies of the church, according to the uſe of the church of Ireland; together with the pſalter or pſalms of David, pointed as they are to be ſung or ſaid in churches, and the form and manner of making, ordaining or conſecrating of biſhops, prieſts and deacons*, herein before mentioned to be joyned and annexed to this act; and ſhall be applied, practiſed, and put in ure for the puniſhing of all the offences contrary to the ſaid law, with relation to the book aforeſaid, and no other.

Litanies, prayers, relating to the King, &c. to be altered from time to time and fitted to the occaſion.

XIX. Provided alwayes, and be it further enacted by the authority aforeſaid, That in all thoſe prayers, litanies and collects which do any way relate to the King, Queen, royal progeny, or the lord lieutenant, or other chief governour or governours of this kingdom, the names or titles be altered

and

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and changed from time to time, and fitted to the then preſent occaſion, according to the direction of lawful authority.

Printed copies of ſaid book to be provided at coſt of pariſhioners.

XX. Provided alſo, and be it enacted by the authority aforeſaid, That a true printed copy of the ſaid book, intituled, *the book of common prayer and adminiſtration of the ſacraments, and other rites and ceremonies of the church, according to the uſe of the church of Ireland; together with the pſalter or pſalms of David, pointed as they are to be ſung or ſaid in churches, and the form and manner of making, ordaining and conſecrating of biſhops, prieſts and deacons*, ſhall at the coſt and charge of the pariſhioners of every pariſh church and chappelry, cathedral church, colledge, collegiate church and hall, be attained and gotten before the twenty ninth day of September, which ſhall be in the year of our Lord one thouſand ſix hundred ſixty and ſeven, upon pain of forfeiture of three pounds *ſterl.* by the month, for ſo long time as they ſhall be then after unprovided thereof, by every pariſh or chappelry, cathedral church, colledge, collegiate church and hall, making default therein; the ſaid forfeiture to be levied by the church-wardens, and imployed for the reparation of the church, and relief of the poor.

On pain of 3*l. per* month, for repair of the church and for the poor.

XXI. Provided alwayes, That whereas the ſix and thirtieth article of the nine and thirty articles agreed upon by the archbiſhops and biſhops of both provinces, and the whole clergy in the convocation holden at London in the year of our Lord one thouſand five hundred ſixty and two, for the avoiding of diverſities of opinions, and for eſtabliſhing of conſent touching true religion, is in theſe words following, *(viz.)*

That the book of conſecration of archbiſhops and biſhops, and ordaining of prieſts and deacons, lately ſet forth in the time of King Edward the ſixth, and confirmed at the ſame time by authority of Parliament, do contain all things neceſſary to ſuch conſecration and ordaining; neither hath it any thing that of it ſelf is ſuperſtitious and ungodly, and therefore whoſoever are conſecrated or ordered, according to the rites of that book, ſince the ſecond year of the aforenamed King Edward unto this time, or hereafter ſhall be conſecrated or ordered according to the ſame rites, we decree all ſuch to be rightly ordered, and lawfully conſecrated and ordered:

Subſcriptions to ſaid articles ſhall be conſtrued to extend, as to the 36th article, to the

It be enacted, and be it further enacted by the authority aforeſaid, That all ſubſcriptions hereafter to be had or made unto the ſaid articles by any deacon, prieſt, or eccleſiaſtical perſon, or other perſon whatſoever, who by this act, or any other

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other law now in force, is required to ſubſcribe unto the ſaid articles, ſhall be conſtrued, and be taken to extend, and ſhall be applyed for and touching the ſaid ſix and thirtieth article, unto the book containing the forme and manner of making, ordaining and conſecrating of biſhops, prieſts and deacons in this act mentioned, in ſuch ſort and manner as the ſame did heretofore extend unto the book ſet forth in the time of King Edward the ſixth, mentioned in the ſaid ſix and thirtieth article; any thing in the ſaid article, or in any ſtatute, act or canon heretofore had or made to the contrary thereof in any wiſe notwithſtanding.

book containing form of ordaining and conſecrating, as heretofore to the book ſet forth in time of *E.* 6. in ſaid 36th article.

CHAP. VII.

An Act for Proviſion of Miniſters in Cities, Corporate Towns, and making the Church of St. Andrews, in the Suburbs of the City of Dublin, preſentative for ever.

IN moſt humble manner praying and beſeeching your moſt excellent Majeſtie, the lords ſpiritual and temporall and commons in this preſent Parliament aſſembled, that whereas there are ſmall or no tythes or other duties ſettled by law upon the incumbents who have actuall cure of ſouls in the city and ſuburbs of Dublin, and the liberties thereunto adjoyning, and in other cities, towns corporate of this your Majeſties kingdom of Ireland: that it may be therefore enacted, and be it hereby enacted by your moſt excellent Majeſtie, by and with the conſent of the lords ſpiritual and temporal and the commons in Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful for the lord lieutenant, or other chief governour or governours, and ſix or more of your Majeſtie's privy council of this kingdom, to allot, aſcertain, ſet forth and charge, or cauſe to be allotted, aſcertained, ſet forth and charged, any ſum or ſums of money to be paid unto the ſeveral and reſpective incumbents, and their reſpective ſucceſſors within the ſaid city and ſuburbs of Dublin, and liberties thereunto adjoyning, and other cities and towns corporate in this kingdom, who have actual cure of ſouls in each pariſh reſpectively, out of each houſe and houſes belonging to the ſaid pariſh, whether it be by apportioning the ſaid money and payment according to the yearly value of each houſe, or otherwiſe, ſo as the ſame payment do not exceed twelve pence *ſterling* for every pound of the yearly value of each houſe, ſuch yearly value alwayes to be intended as the

Chief governors and council may allot money to be paid to incumbents in cities and corporations, having cure of ſouls, out of every houſe in the pariſh,

Not exceeding 12d. *per* pound of the yearly value, as valued on oath by commiſſioners.

ſame ſhall be valued upon oath by perſons to be nominated in that behalf, and authorized by commiſſion under the great ſeal of this kingdom, by direction of the lord lieutenant, or other chief governour or governours for the time being of this your Majeſtie's kingdom; in which valuation, if it ſhall happen that any houſe be valued above ſixty pounds *ſterling per annum*, yet the ſaid commiſſioners, or other perſons to be intruſted in the ſaid valuations, are to return ſuch houſe but at ſixty pounds *per annum*; which ſaid commiſſion or commiſſions are to be from time to time returned under the hands and ſeals of the commiſſioners to the clerk of the council for the time being; and after ſuch allotment ſo made, and ſum or ſums of money aſcertained, charged and ſet forth to be paid as aforeſaid, and approved by the lord lieutenant, or other chief governour or governours, and council of this kingdome, ſuch charge on each inhabitant of each houſe, ſhall be as good and effectual in law, as if the very ſame ſum or ſums, which ſhall be ſo charged, had been particularly expreſſed and enacted to be paid out of each houſe; and the ſum ſo allotted or charged upon each inhabitant ſhall be received by the church-wardens reſpectively, and by them paid to the ſeveral and reſpective incumbents, and their ſucceſſors, by four equal portions every year, *viz.* the feaſt of the nativity of our Bleſſed Lord and Saviour, the feaſt of the annuntiation of the Bleſſed Virgin Mary, the feaſt of St. John the Baptiſt, and the feaſt of St. Michael the Archangel, by the inhabitants, or reſpective inhabitants thereof; and in caſe any inhabitant ſhall, upon demand by the church-wardens of the reſpective pariſhes, refuſe or delay to pay ſuch ſum or ſums of money as ſhall be ſo allotted or charged upon the houſe wherein he dwelleth, at any of the days or times aforeſaid, that then it ſhall and may be lawful for the ſaid church-wardens of each pariſh to enter into the ſaid houſe and diſtrain on the ſeveral and reſpective perſons ſo in arrear for the ſame, and the diſtreſs or diſtreſſes to carry away and ſell to pay to the incumbent ſuch money as ſhall be due unto him, and to deliver the remainder unto the ſaid inhabitant; and if the church-wardens ſhall fail to do their duties therein, then and in ſuch caſe, ſuch church-wardens to be puniſht for their neglects, as the lord lieutenant, or other chief governour or governours and council of this kingdom ſhall think fit.

Houſe valued above 60l. to be returned at no more.

Which commiſſions to be returned to clerk of council.

Said charge as valid as if the ſum particularly enacted to be paid out of each houſe.

Received by church wardens, paid to incumbents by 4 equal portions yearly.

Levied by diſtreſs and ſale in caſe of refuſal.

Church-wardens puniſhable for neglect.

II. Provided alwayes, That no commiſſion by virtue of this act ſhall be directed or iſſue for valuation into any one pariſh of any houſes hereafter to be built, more or oftner than once in three years.

No commiſſion of valuation of houſes hereafter built oftner than three years.

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III. And whereas the pariſh church of St. Andrew's in the county of the city of Dublin, hath been wholy demoliſhed for theſe many years paſt, and no effectual care hitherto taken for the rebuilding thereof, whereby the inhabitants of the ſaid pariſh, and of Lazars, *alias* Lazie-hill, have had no place within themſelves for the publick ſervice of God, to the great diſhonor of God, and the diſcomfort of the people: may it therefore pleaſe your moſt excellent Majeſty, that for the honor of God, and accommodation of the inhabitants aforeſaid, it be enacted by your Majeſtie, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, that the ambite and tract of ground commonly called the Stane, *alias* Lazar, *alias* Lazie-hill, be conſtituted and made part of the pariſh of St. Andrew's aforeſaid; and that the inhabitants of the ſaid pariſh be hereby authorized, by contribution amongſt themſelves, to rebuild the ſaid church, in ſuch manner as ſhall be agreed upon by them, or the major part of them; and that the ſaid pariſh church ſhall for the time to come be preſentative as a vicarage by the lord chancellor of Ireland, the lord archbiſhop of Dublin, the vice treaſurer of his Majeſtie's revenue, the lord chief juſtice of his Majeſtie's court of chief place, the lord chief juſtice of his Majeſtie's court of common pleas, the lord chief baron of his Majeſtie's court of Exchequer, and the maſter of the rolls, and their ſucceſſors for the time being, or by any four or more of them, whereof the lord archbiſhop of Dublin to be alwayes one; and that Richard Lingart, the now profeſſor of divinity in trinity colledge neer Dublin, be and is hereby conſtituted the firſt vicar or incumbent thereof.

Lazar hill made part of St. Andrew's pariſh.

The inhabitants by contribution to rebuild St. Andrew's church,

Said church preſentative, by lord chancellor, &c.

The firſt incumbent.

IV. And be it further enacted by the authority aforeſaid, That Arthur earl of Angleſey, his Majeſtie's vice-treaſurer, Sir John Temple knight, maſter of the rolls, and Sir Mourice Euſtace knight, or the ſurvivors of them, be and are hereby conſtituted and appointed church-wardens of the ſaid pariſh for the firſt two years; and that they and their ſucceſſors, church-wardens for the time being, be hereby impowered to rate and aſſeſs the ſeveral houſes within the pariſh of St. Andrew's and Stane, *alias* Lazie-hill, in ſuch manner as they ſhall think fit, with the conſent of the ſaid inhabitants, or the major part of them, at ſuch meetings as ſhall be appointed to that purpoſe, for and towards the building of the ſaid church, if the voluntary contributions already made, and to be made, will not do it; and for the relief of the poor, and other pious uſes, as ſhall be thought neceſſary by the inhabitants of the pariſh, or the major part of them.

Church wardens,

To aſſeſs the inhabitants, if the voluntary contribution not ſufficient.

V. And

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V. And be it enacted, That the ſaid church-wardens and their ſucceſſors for the time being ſhall be a body corporate, and have power to ſue and be ſued by the name of the church-wardens of the pariſh of St. Andrews, and by that name to purchaſe lands, tenements and hereditaments of the yearly value of one hundred pounds *ſterling* to the uſe of the ſaid pariſh; the ſtatute of Mortmain, or any other law or ſtatute to the contrary notwithſtanding

incorporated, Powers.

VI. And whereas the rectory of the church of St. Andrews aforeſaid, together with certain houſes and their backſides, encloſed within the church-yard, have anciently belonged to the precentor of the cathedral church of St. Patricks neer Dublin, as part of the corps of his precentorſhip: in conſideration thereof be it enacted by the authority aforeſaid, That the now precentor of St. Patricks Dublin aforeſaid, and his ſucceſſors, ſhall be rector or rectors of the ſaid pariſh, and ſhall have the yearly ſum of ten pounds *ſterling* appropriated, and be it hereby appropriated unto him and them, to be paid unto him and them by the vicar or incumbent of the ſaid church of St. Andrews for the time being, in two equal proportions at two ſet times of the year (that is to ſay) five pounds at or upon the feaſt day of St. John Baptiſt, and other five pounds at or upon the feaſt day of the nativity of our Bleſſed Lord and Saviour; the firſt payment to begin at or upon the firſt of the ſaid feaſt days as ſhall happen to be full ſix months next after the induction of the firſt vicar or incumbent aforeſaid.

Precentor of St. Patrick's rector of ſaid pariſh 10l. *per ann.* appropriated, payable by the vicar.

VII. And be it further enacted, That ſuch puniſhment as by this act ſhall or may be impoſed by the lord lieutenant, or other chief governour or governours and council for the time being, upon church-wardens for neglecting their duties required by this act, ſhall not extend to any other kind of puniſhment, than by one or more fine or fines, or impriſonment, not to exceed the ſum of five pounds *ſterling* for ſuch reſpective offence, and ſuch impriſonment not to exceed one month, at any one time, for any one offence, and the ſame to continue without bail or mainprize, if they ſhall ſo think fit.

puniſhment of church wardens for neglect, not to exceed 5l. fine, and one months impriſonment.

A. D. 1665.

CHAP. VIII.

An Act for Relief of Poor Priſoners.

Explained, 3 G. 2. 5.

WHEREAS by the reaſon of the multitude of idle perſons and others ſuſpected for felonies and other miſdemeanors, the goals of the ſeveral counties of this kingdom are filled with poor people, of whom many for want of means to ſuſtaine them do often periſh before they come to their tryal, and many others that live are in great and extream want, hunger, and penury, having no means to maintain themſelves; for remedy whereof, be it enacted by the King's moſt excellent Majeſty, with the aſſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the juſtices of the peace of every county within this realm at the general quarter ſeſſions of the peace to be holden within the ſaid counties, or the more part of the ſaid juſtices that are there preſent, and the mayor, portriff, ſoveraign, ſheriffs, bayliffs, aldermen, and other head officers of the cities, boroughs, places, and towns corporate, which be counties of themſelves, or the more part of them preſent at their general quarter-ſeſſions or aſſemblies, ſhall rate and tax every pariſh in the ſaid county and town corporate reſpectively, at ſuch reaſonable ſums of money for and towards the relief of the ſaid priſoners, as they ſhall think convenient by their diſcretions, and ſhall likewiſe at the ſame quarter-ſeſſions, or general aſſemblies, nominate and appoint one or more of the freeholders, or other honeſt and ſufficient inhabitants within each pariſh reſpectively, to collect and leavy the ſaid ſums of money ſo rated and taxed, and ſhall deliver unto every of the ſaid collector or collectors reſpectively a note in writing, under the hands of two or more of the ſaid juſtices, or under the hand of the mayor or head officer of the city or town corporate, containing the ſum of money by them ſo ſet, aſſeſſed and taxed upon the ſaid pariſh, wherein he or they ſhall be ſo nominated or appointed to be collector or collectors; which collector or collectors receiving the ſaid note ſhall have full power and authority, by virtue of this act, to demand, collect, leavy and receive the ſaid ſums of money ſo ſet and taxed upon the able inhabitants of the ſaid pariſh wherein he or they ſhall be collector or collectors rateably and proportionably, and if any of the pariſhioners or inhabitants within any of the pariſhes ſo rated

Juſtices of peace, head officers of cities, &c. at ſeſſions to tax every pariſh reaſonably for relief of poor priſoners,

and nominate collectors thereof,

to levy by diſtreſs and ſale on pariſhioners refuſing their proportion.

rated and taxed ſhall refuſe to pay his or their rateable ſhares of the ſaid taxation, then the ſaid perſon or perſons nominated and appointed as aforeſaid for the collection and leavying of the ſaid moneys, ſhall and may diſtrain the goods and chattles of the ſaid partie or parties which ſhall refuſe to pay the ſame, and to ſell the ſaid diſtreſs, or ſufficient quantity thereof, reſtoring the overplus of the ſaid diſtreſs, and money come by the ſaid ſale, to the owner or owners of the ſaid diſtreſs: provided always that if any perſon or perſons ſhall find him or themſelves grieved by any ſuch ſeſs or taxe, or by any act of the ſaid collector or collectors, that then the greater number of the juſtices of the peace, aſſembled at their general quarter-ſeſſions, ſhall have power to take ſuch order therein as they in their diſcretions ſhall think fit, and the ſame to conclude and bind all parties.

Where any grieved, juſtices in ſeſſions may take ſuch order as they pleaſe, which ſhall conclude all.

II. And be it further enacted, That the ſaid collector and collectors ſhall, once every quarter of the year, pay to the high conſtable of every barony, and in cities and corporate towns that are counties to the aldermen of every ward, all ſuch ſums of money as their pariſh ſhall be rated and taxed at, for and towards the relief of the ſaid poor priſoners; and that the ſaid aldermen and high conſtables, and every of them, ſhall at every general quarter-ſeſſions, to be holden within the ſaid ſeveral counties or towns corporate, pay all ſuch ſums of money, ſo to them paid by the ſaid collectors, unto ſuch ſufficient perſon or perſons dwelling neer to the ſaid goales as ſhall be appointed by the ſaid juſtices, mayor or other head officer or officers, at their quarter-ſeſſions or general aſſemblies, to receive the ſame; and that the ſaid perſon or perſons, who ſhall ſo receive the ſaid money, ſhall weekly diſtribute the ſame to ſuch poor priſoners as ſhall then be in reſtraint in the ſaid gaoles, who have no means to maintain themſelves; and that every of the ſaid collectors and receivers, their executors and adminiſtrators, ſhall, in open court, at every general quarter-ſeſſions to be held within the ſaid county or town corporate reſpectively, make a juſt and true accompt, upon oath, of their collections, receipts and diſburſements, before the juſtices of the peace and mayor, or other head officer or officers reſpectively; and if they, or any of them, ſhall refuſe the collection or receipt of the ſaid moneys, or to pay and diſtribute the ſame, or to make a true accompt in manner and form as is appointed by this act, then upon information thereof made unto any one of the juſtices of the peace of the county, or unto the mayor, or chief officer or officers of the city or town corporate, where ſuch party or parties ſo refuſing do dwell, the ſaid juſtice, mayor, or other chief officer or officers, ſhall forthwith cauſe the ſaid partie or parties ſo refuſing to be attached, and brought be-

Collectors once a quarter to pay the money to high conſtable of barony, or the aldermen of the ward, who ſhall pay to perſons appointed near the gaols, and they to diſtribute to poor priſoners having no means of maintenance.

Said collectors to account at quarter ſeſſions.

upon refuſal to be attached, and committed till recognizance for performance given.

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for him and them, and require him or them to perform the ſaid collection, receipt, payment, diſtribution or accompt of the ſaid moneys, as the caſe ſhall require, and as he ought to do, according to the true intent and meaning of this ſtatute; which if he or they ſhall refuſe to do, then the ſaid juſtice, mayor, or other chief officer or officers, are to commit him or them ſo refuſing to the goale, there to remain until he or they ſhall enter into recognizances to his Majeſty, in ſuch reaſonable ſum of money as the ſaid juſtice, or mayor, or other chief officer or officers, ſhall appoint to perform the ſame.

How the pleadings to be in ſuits for acting under this ſtatute.

III. And be it further enacted by the authority of this preſent Parliament, That if any action of treſpaſs, or other ſuit, ſhall happen to be attempted and brought againſt any perſon or perſons for taking any diſtreſs, making of any ſale, or any other act by authority of this preſent act, the defendant or defendants, in any ſuch action or ſuit ſhall and may either plead not guilty, or otherwiſe make avowry, cognizance, or juſtification for the taking of the ſaid diſtreſſes, making of ſale, or other act by virtue of this act, alledging in ſuch avowry, cognizance, or juſtification, that the ſaid diſtreſs, ſale, treſpaſs, or other thing, whereof the plaintiffe or plaintiffs, complained was done by authority of this act, and according to the tenor, purport and effect of this act, without any expreſſing or rehearſal of any other matter of circumſtance contained in this preſent act; to which avowry, cognizance, or juſtification, the plaintiffe ſhall be admitted to reply, that the defendant or defendants did take the ſaid diſtreſs, made the ſaid ſale, or did any other act or treſpaſs ſuppoſed in his declaration, of his or their own wrong, without any ſuch cauſe alledged by the ſaid defendant or defendants; whereupon the iſſue in every ſuch action ſhall be joyned, to be tryed by verdict of twelve men, and not otherwiſe, accuſtomed in other perſonall actions; and upon the tryal of that iſſue, the whole matter to be given on both parties in evidence, according to the very truth of the ſame; and after ſuch iſſue tried for the defendant or defendants, or non-ſuit of the plaintiffe or plaintiffes after appearance, the ſaid defendant or defendants to recover treble damages, by reaſon of his or their wrongful vexation in that behalf, with coſts alſo on that part ſuſtained, and that to be aſſeſſed by the ſame jury, or writ to inquire of the damages, as the ſame ſhall require; and the juſtices of aſſize and goale delivery are hereby required to give this act in charge at every general aſſizes and goale delivery to be held within the ſeveral counties of their circuits, and to take ſpecial care to ſee the ſame duly executed and performed, and duly to puniſh all and every ſuch perſon and perſons as they ſhall find negligent in the execution of this ſtatute, or delinquent againſt the ſame.

to be tried by a jury;

and the whole given in evidence.

Defendants recovering to have treble damages, with coſts.

Juſtices to give this act in charge at aſſizes,

ſee it executed,

and puniſh neglect.

A. D. 1665.

IV. And be it further enacted by the authority aforeſaid, That all and every ſuch fine and fines, as ſhall be legally aſſeſſed upon any perſon or perſons indicted upon this ſtatute, ſhall be levyed by the ſheriff of the county where the party ſhall be indicted, by ſpecial warrant of the juſtices of aſſize and goale delivery of the ſaid county, and paid to the clerk of the crown of the ſaid county, and that the ſaid clerk of the crown ſhall diſtribute the ſame for the relief of the poor priſoners aforeſaid.

Fines on perſons indicted paid to clerk of crown for relief of ſaid priſoners.

CHAP. IX.

An Act for the Advancement of the Trade of Linen Manufacture.

Repealed by 4 Anne c. 3.

WHEREAS the advancement of the trade of linnen manufacture in this kingdom would very much conduce to the public good thereof; may it therefore pleaſe your excellent Majeſtie, that in order thereunto it may be enacted, and be it accordingly enacted by the King's moſt excellent Majeſtie, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority thereof, That no perſon or perſons whatſoever, having any eſtate or intereſt in any lands in this kingdome, ſhall, at any time after the firſt day of May in the year of our Lord one thouſand ſix hundred ſixty and ſix, ſet or let to any perſon or perſons any cottage or cabbin upon any lands, not being within any city or ſuburbs thereof, or any walled town in this kingdom, unleſs the perſon or perſons, to whom ſuch cottage or cabbin ſhall be ſo ſet or let, ſhall therewith hold one acre of land at leaſt of plantation meaſure, containing one and twenty foot to the pearch, and ſhall after the firſt day of February one thouſand ſix hundred ſixty and ſix yearly ſow one eighth part of ſuch acre of land with hemp or flax; upon pain that every landlord, ſetting or letting any ſuch cottage or cabbin without covenanting with his tenant to ſow one eighth part of ſuch acre of land yearly with hemp or flax, ſhall loſe and forfeit the ſum of forty ſhillings *ſterling* for every ſuch default, and alſo every ſuch tenant, who ſhall not ſow one eighth part of ſuch acre of land with hemp or flax yearly, ſhall loſe and forfeit the ſum of ten ſhillings *ſterling* for every ſuch default.

No one after 1 May 1666 ſhall let a cottage or cabin (not within a city, ſuburbs, or walled town) to any one not holding one acre plantation meaſure, 21 feet to the perch,

Said tenant to ſow yearly an eighth part with hemp or flax

Penalty on landlord 40s.

on tenant 10s.

II. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, who, after the firſt day of February in the year one thouſand ſix hundred ſixty and ſix, ſhall plow or till any quantity of land in this kingdom, ſhall, for every thirty acres of the meaſure aforeſaid, which he or they ſhall ſo till or plow, ſow or cauſe to be ſowed, half an acre of land of like meaſure with flax or hemp, and ſo proportionable for a greater or leſſer quantity of land; upon paine that every perſon, who, after the ſaid firſt day of February, ſhall plow or till thirty acres of land, and ſhall not ſow half an acre thereof, of the meaſure aforeſaid, with hemp or flax, as is above mentioned, ſhall loſe and forfeit the ſum of five pounds *ſterling* yearly; and upon pain that every perſon who ſhall, after the time aforeſaid, plow or till any leſs quantity of land, of the meaſure aforeſaid, and ſhall not ſow hemp or flax, according to the aforeſaid proportion, ſhall loſe and forfeit the ſum of three pounds *ſterling* for every ſuch default.

Perſons who plow ſhall for every 30 acres ſow half an acre with flax or hemp, and ſo in proportion,

Penalty 5l. yearly.

for a leſs quantity, 3l.

III. And be it further enacted by the authority aforeſaid, That after the four-and-twentieth day of June, in the year one thouſand ſix hundred ſixty and ſix, no linnen cloth ſhall be woven in this kingdom, which ſhall not be at the leaſt three quarters of a yard broad out of the loom; and that from and after the firſt day of February, in the year one thouſand ſix hundred ſixty and ſix,

No linnen cloth to be woven, bought or ſold, or expoſed to ſale, leſs than three quarters of a yard broad out of the loom.

A. D. 1665. Chap. 9.

Penalty 20s.

no linnen cloath, under the aforesaid breadth of three quarters of a yard, shall be bought and sold, or exposed to sale in any place within this kingdom; and that every person in this kingdom, who, after the respective times aforesaid, shall weave, buy or sell, or expose to sale any linnen cloath under the aforesaid breadth, shall lose, and forfeit for every such piece of cloath so woven, bought, sold, or exposed to sale, the sum of twenty shillings.

20l. shall for 20 years at Lent assises be applotted by grand jury on the several baronies and parishes (except Dublin and Kerry at sessions after Easter) and a copy thereof in four dayes delivered by clerk of peace to sheriff, on pain of 100l. to the King.

IV. And be it further enacted by the authority aforesaid, That at every Lent assize to be yearly held in every county within this kingdome, for the space of twenty years from the time of the passing of this act, the sum of twenty pounds *sterling* shall be, by the grand jury of every county, applotted upon the several baronies of every such county, and upon the several parishes in every county of a city in this Kingdom, except onely the county of Dublin, and county of the city of Dublin, and county of Kerry, wherein the said applotment is to be made, at the next sessions of the peace that shall be yearly held after Easter in the said counties, and a copy of such aplotment so made within four dayes after the end of such assizes or sessions, shall be, by the respective clerks of the peace of each county, delivered to the respective sheriffs of every such county wherein such aplotment shall be made, under the hand of such clerk of the peace, or his deputy, under the penaltie of the sum of one hundred pounds, to be forfeited to his Majestie by every clerk of the peace neglecting the same.

Sheriff according thereto (or in default of applotment according to the last) equally and indifferently to levy said 20l. so as to have it ready next summer assises: except in Dublin, where at next sessions after Trinity term.

V. And that every sheriff of every county, and county of a city, in this kingdom, shall according to such aplotment so delivered unto him, or in default of such applotment yearly made, according to the last applotment that was thereof made by the grand jury of the said county wherein he shall be sheriff, equally and indifferently raise and leavy the said sum of twenty pounds out of the several baronies, parishes, lands and tenements in his county, so as to have same ready at the next summer assizes yearly in the several counties of this kingdom, except the county and county of the city of Dublin yearly, and so as the respective sheriffs of the said county and county of the city of Dublin yearly have the same ready at the next sessions of the peace to be held in the said counties after Trinity term yearly: and for the better encouragement of all persons imployed in the manufacture of linnen cloath to excell each other in the improvement thereof, be it further enacted by the authority aforesaid, That at the said summer assizes and sessions aforesaid, it shall and may be lawfull for all and every person and persons in this kingdom, to bring unto the said assizes and sessions any such pieces of linnen cloath as have been made in the county, wherein such assizes or sessions shall be holden, of the growth, spinning, weaving and bleaching of the said county, which said pieces of cloath shall contain thirty ells at the least in the length, and one yard at the least in breadth out of the loome; and that the said grand jury shall consider of the fineness and goodness of the several pieces of such linnen cloath, which shall be so brought unto them, and shall be made appear before them to have been made in the county, for which the said grand jury shall serve, and shall adjudge which are the three finest and best pieces of such linnen cloath, and also which of the said three pieces is the best and finest, and which the next thereunto, and which is the worst of the said three pieces, and shall set down their judgmentes concerning the same in writing, and present the same unto the court, to be there approved on; and after such judgment and approbation so had and given, the sheriff of the said county shall out of the said twenty pounds, so by him raised in manner abovementioned, forthwith in open court, sitting the court, pay or cause to be paid to the person, who brought the best and finest of the said pieces of linnen cloath, the sum of ten pounds *sterling*; and to him who brought the piece, which shall be next thereunto in goodness and fineness, the sum of six pounds *sterling*; and to him who brought the worst of the said three pieces, the

and to encourage persons to excel therein, they may bring to said assizes and sessions pieces made in the county, 30 ells in length, and one yard in breadth out of the loom.

Grand jury to consider fineness and goodness thereof, and present their judgment in writing to the court for approbation, as to the 3 best pieces,

then sheriff out of said 20l. to pay to the person bringing the best 10l.

to the next 6l.

sum

ſum of four pounds *ſterling*; upon paine that every ſheriff, making default in any of the ſaid payments, ſhall loſe and forfeit the ſum of one hundred pounds *ſterling*; and after ſuch judgment and approbation had and given concerning the ſaid pieces of linnen cloath, the ſaid three pieces, which ſhall be ſo adjudged and approved of to be the fineſt pieces, ſhall in open court, ſitting the court, be cut in two equal moyeties, ſo that the ſame may not be made uſe of again upon any ſuch occaſion in any ſucceeding year, and immediately redelivered to the perſon that brought the ſaid cloth into court.

to the work 4l. Penalty on ſheriff 100l. ſaid 3 pieces to be then cut in two, ſo as not to be brought again, and redelivered.

VI. And be it further enacted by the authority aforeſaid, That the ſum of ſix thouſand pounds be raiſed out of and leavied in and throughout the ſeveral cities, towns and counties in this kingdom, to be rated, taxed, aſſeſſed and leavied in and throughout the ſaid ſeveral cities, towns and counties in this kingdom, in ſuch manner, and after ſuch proportions, and to be paid by ſuch perſons, wayes and means, and at ſuch times as both houſes of Parliament, now aſſembled in this kingdom, ſhall agree upon, and ſet down and appoint; and in caſe the ſaid parliament ſhall be diſſolved before ſuch apportionment ſhall be by them made, that then it ſhall and may be lawfull for the lord lieutenant, lord deputy, or other chief governour or governours of this kingdom for the time being, and council, to cauſe the ſaid ſix thouſand pounds to be raiſed and levied in and throughout this kingdom, in ſuch manner, and after ſuch proportions, and to be paid by ſuch perſons, ways and means, and at ſuch times as the ſaid lord lieutenant, lord deputy, or other chief governour or governours of this kingdom and council ſhall think fit, the ſame to be leavied by way of diſtreſs; and to the end and purpoſe that with the ſaid moneys ſo raiſed a bleaching yard may be purchaſed; containing about four acres of land, of one and twenty foot to the perch, in ſome commodious place in each of the four provinces of this kingdom, and a ſtone or brick wall of convenient height may be erected about the ſame, and ſome river in ſeveral ſtreams may be made to have its courſe through each bleaching yard, and that tenements may therein be erected to receive and contain ſuch poor people, or idle vagrants perſons and beggars as ſhall come, or be ſent thither to work by the juſtices of the peace of the ſaid ſeveral provinces, who are hereby authorized to ſend thither any idle vagrant perſons and beggars, although the ſaid bleaching yard be not erected in the countie wherein they are juſtices of the peace, and that a convenient number of callandars may there have houſe-room and imployment.

6000l. to be levied by diſtreſs in ſuch manner and proportions as both houſes appoint, or, if diſſolved, as chief governors and council.

to purchaſe a bleach yard of 4 acres, 21 feet to the perch in each province, incloſed with a wall, with running ſtreams, and tenements to be erected for poor people and idle vagrants ſent by the juſtices to work, and convenient numbers of callanders.

VII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the ſaid lord lieutenant, lord deputy, or other chief governour or governours and council of this kingdom for the time being, to employ a perſon or perſons ſkillfull in bleaching and callandring, who ſhall bleach all linnen cloath that ſhall be brought, at ſuch rates, not exceeding one penny for each ell, as ſhall be by them appointed and ſet down, and ſecure and ſtand to the hazard of all linnen that ſhall be there brought to him or them, and ſhall there give entertainment to a competent number of weavers, that they may bring up poor children there in weaving and other employments relating to the ſaid linnen trade, and compell the ſturdy vagrants, that ſhall by the juſtices of peace be ſent thither, to work, as to them the ſaid weavers ſhall ſeem meet: and for the better effecting and compaſſing of the aforeſaid ends, it ſhall and may be lawfull for the ſaid lord lieutenant, lord deputy, and other chief governour and governours and council of this kingdom for the time being, to proceed in all matters aforeſaid in ſuch manner, and by ſuch wayes and means, and to employ therein ſuch perſons, and grant to them ſuch commiſſions and inſtructions, as to them ſhall ſeem moſt expedient for receiving of the ſaid ſix thouſand pounds, and for the purchaſing, building, or preparing and ordering of the ſaid bleaching yards, and ſuch other things as may moſt conduce to the better carrying on of the ſaid work.

and employ ſkilful perſons, at rates not above 1d. per ell, and entertain weavers, to compel ſaid vagrants to work.

A. D. 1665.

Weavers, uſing no other trade, free for 7 years from ſerving on juries, or bearing offices.

VIII. And be it further enacted by the authority aforeſaid, That all weavers in this kingdom, who ſhall uſe no other trade beſides the ſaid trade of weaving, ſhall, for the ſpace of ſeaven years from the paſſing of this act, be freed from ſerving in any juries, or bearing any other offices in this kingdom, which they themſelves ſhall not be willing to undergoe.

Penalties to the King and informer;

except penalty on ſheriffs, to the King, poor and informer.

IX. And be it enacted, That all the fines and penalties aforeſaid, excepting the fines and penalties charged on ſheriffs, ſhall be divided in manner following, *viz.* the one moyetie to the uſe of his Maſeſtie, his heirs and ſucceſſors; and the other moyetie to the uſe of any that will inform for the ſame; and as to the ſaid fines or penalties charged on ſheriffes, one third part thereof to be to the uſe of his Majeſtie, his heirs and ſucceſſors; one other third part to be to the uſe of the poor of the county where ſuch ſheriff ſhall be ſheriff, and to be diſtributed to the poor in ſuch way and manner as the juſtices of the peace of the reſpective counties ſhall appoint; and the other third part to be to the uſe of the perſon or perſons that ſhall inform for the ſame; in which ſeveral informations, no protection, eſſoyn or wager of law is to be admitted; and that the judges of aſſizes, juſtices of the peace at their ſeſſions, and every officer and officers within cities and corporate towns, having authority to be juſtices of peace, or of goale delivery within the ſaid cities and corporate townes, ſhall and may lawfully inquire, hear and determine all and ſingular the premiſſes fineable as aforeſaid.

where to be inquired of.

CHAP. X.

An Act for Diſabling of Spiritual Perſons from holding Benefices, or other Eccleſiaſtical Dignities in England or Wales, and in Ireland at the ſame Time.

No perſon to hold eccleſiaſtical dignity or benefice in England and Ireland at ſame time.

WHEREAS divers ſpiritual perſons who have benefices, or other eccleſiaſticall dignities or promotions in his Majeſtie's kingdom of England, or the dominion of Wales, do commonly accept of and retain biſhopricks, or other eccleſiaſtical dignities, benefices or promotions in this his Majeſtie's kingdome of Ireland, the duties of both which in the ſaid ſeveral kingdoms they are in no wayes able to diſcharge, whereby the ſervice of God and his worſhip is in many places of this kingdom neglected: for remedy whereof, be it enacted by the King's moſt excellent Majeſtie, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons having any biſhoprick, benefice, or other eccleſiaſtical dignity or promotion in his Majeſtie's kingdom of England, or dominion of Wales, ſhall, after the twenty fourth day of June, in the year one thouſand ſix hundred ſixty and ſix, and during the time of his holding and enjoying the ſame, be wholly incapable of holding or enjoying any biſhoprick, or other eccleſiaſtical dignity, benefice or promotion in this kingdom of Ireland; and that from and after the

the four and twentieth day of June in the year one thouſand ſix hundred ſixty and ſix, all grants and preſentations of any biſhopricks, or other eccleſiaſticall dignities, benefices or promotions in this kingdom, to any perſon or perſons at the time of ſuch grant or preſentation having or enjoying any biſhoprick, or other eccleſiaſticall benefice, dignity or promotion in his Majeſties kingdom of England, ſhall be and is hereby declared to be null and void to all intents and purpoſes whatſoever, in ſuch and the like manner as if ſuch biſhop, incumbent, or dignitary had died or reſigned; and that from thenceforth it ſhall and may be lawful to and for the King's moſt excellent Majeſtie, and all other patrons and doners of all and ſingular the ſaid biſhopricks, eccleſiaſtical promotions, dignities or benefices, or of any of them, in this kingdom of Ireland, according to their reſpective rights and titles to grant, preſent or collate to the ſame, as if the ſaid perſon or perſons were dead or had reſigned. And alſo if any perſon or perſons having or enjoying any biſhoprick, or other eccleſiaſtical dignity, benefice or promotion in this his Majeſties kingdom of Ireland, ſhall, after the four and twentieth day of June one thouſand ſix hundred ſixty and ſix, accept of, hold or enjoy any biſhoprick, or other eccleſiaſtical dignity, benefice, or promotion in his Majeſties kingdom of England, or dominion of Wales, that then and immediately from and after ſuch acceptance, holding or enjoying thereof, all former grants and preſentations of any biſhopricks, benefices, or other eccleſiaſtical dignities or promotions in this kingdom of Ireland, to any ſuch perſon or perſons, ſhall be and are hereby alſo declared to be null and void to all intents and purpoſes whatſoever, in ſuch and the like manner as if ſuch biſhop, incumbent, or dignitary had dyed or reſigned; any licence or other diſpenſation to the contrary hereof obtained, or to be obtained notwithſtanding; and that from thenceforth it ſhall and may be lawfull to and for the King's moſt excellent Majeſtie, and all other patrons and donors of all and ſingular the ſaid biſhopricks, eccleſiaſtical promotions, dignities or benefices, or of any of them, in this kingdom of Ireland, according to their reſpective rights and titles, to grant, preſent, or collate to the ſame, as if the ſaid perſon or perſons were dead, or had reſigned.

Biſhop of Oſſory to hold the deanry of Bangor in Wales, till the augmentation in the act of ſettlement made.

II. Provided always, that it ſhall and may be lawfull for the right reverend father in God, Griffith lord biſhop of Oſſory, to hold and retain the biſhoprick of Oſſory, together with the deanry of Bangor in his Majeſties dominions of Wales, until the augmentation mentioned in the act, intituled, *An Act for the better execution of his Majeſties gracious declaration for the*

A. D. 1665. *ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there,* ſhall be ſettled upon the ſaid biſhop of Oſſory, and his ſucceſſors; any thing in this act contained to the contrary notwithſtanding.

CHAP. XI.

An Act to prevent Delays in extending Statutes, Judgments, and Recognizances.

16 & 17 C. 2. 5 *Eng.* Securities by ſtat. merchant and ſtaple of little uſe, from fraud of conuſors, by ſecret alienation of part of the land, and avoiding the execution by *audita querela.* Delay by infancy.

WHEREAS the ſecurity by ſtatute merchant, and of the ſtaple, is now become of little uſe and benefit, by the fraud of the cogniſors thereof in ſundry caſes, who to prevent the payment of their debts ſecretly aſſign ſmall parts of their lands to ſeveral and unknown perſons: and it having been uſed, that if the creditor take execution on ſuch ſtatute, yet if the lands of any one or more perſon or perſons, to whom ſuch alienation was made, and liable to ſuch execution, be omitted out of ſuch extent, the ſame execution hath been avoided by *audita querela*, and the party extending loſt his coſts, and was delayed of his juſt debt, and ſo again upon any new extent *toties quoties;* and if any one acre or parcel of land happened to deſcend to an infant, the whole execution was deferred until full age of ſuch infant; and if afterwards other part of the lands or tenements lyable to ſuch debt deſcended to another infant, then alſo a further delay happened during that infancie alſo: be it therefore enacted by the King's moſt excellent Majeſtie, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That when any judgment, ſtatute, or recognizance ſhall be extended, the ſame ſhall not be avoided or delayed by occaſion that any part of the lands or tenements extendible are or ſhall be omitted out of ſuch extent; ſaving alwaies to the partie and parties whoſe lands ſhall be extended, his and their heirs, executors and aſſigns, his and their remedy for contribution againſt ſuch perſon or perſons, whoſe lands are or ſhall be omitted out of ſuch extent from time to time.

Extent upon judgment, ſtatutes, or recognizance, ſhall not be avoided or delayed by omitting any part of the land, ſaving right of contribution againſt the lands omitted.

II. Provided alwaies, that this act, nor any thing therein contained, ſhall not be conſtrued to give any extent or contribution againſt any heir within the age of one and twenty years, during ſuch minoritie of ſuch heir, for or in reſpect of any lands to ſuch heir deſcended, farther or otherwiſe than might have been before the making of this act.

Proviſo for heirs within age.

III. Pro-

III. Provided that this act extend onely to ſuch ſtatutes as are or ſhall be for payment of moneys; and to ſuch extent as ſhall be within twentie years after the ſtatute, recognizance, or judgment had and obtained. A. D. 1665. Extent of this ſtatute.

IV. Provided that this act ſhall continue for the ſpace of three years, and from thence to the end of the next ſeſſion of Parliament, and no longer. Continuance of this act 3 years. Revived and made perpetual by 7. *W.* 3. 7.

CHAP. XII.

An Act to prevent Arreſts of Judgment and ſuperſeding Executions.

WHEREAS great delay, trouble, and vexation hath been and ſtill is occaſioned to the people of this realm, as well by arreſting and reverſing of judgments, as by ſtaying executions by writs of *error* and *ſuperſedeas:* for remedy thereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any verdict of twelve men ſhall be given in any action, ſuit, bill, or demand, to be commenced from and after the twenty fifth day of March, which ſhall be in the year of our Lord God one thouſand ſix hundred ſixty and ſix, in any of his Majeſties courts of record at Dublin, or in the courts of record within the county palatine of Tipperary, judgment thereupon ſhall not be ſtayed or reverſed for default in form, or lack of form, or by reaſon that there are not pledges, or but one pledge to proſecute, returned upon the original writ; or becauſe the name of the ſheriffs is not returned upon ſuch original writ; or for default of entring pledges upon any bill or declaration; or for default of alledging the bringing into court of any bond, bill, indenture, or other deed whatſoever mentioned in the declaration or other pleading; or for default of allegation of the bringing into court of any letters teſtamentary, or letters of adminiſtration; or by reaſon of the omiſſion of *vi & armis* or *contra pacem*; or for or by reaſon of the miſtaking of the chriſtian name, or ſirname of the plaintiff or defendant, demandant or tenant, ſum or ſums of money, day, month, or year, by the clerk, in any bill, declaration, or pleading, where the right name, ſirname, ſum, day, month, or year, in any writ, plaint, roll, or record preceding, or in the ſame roll or record where the miſtake is committed, is or are once truly and rightly alledged, whereunto the plaintiff might have demurred, and ſhewn the ſame for cauſe; nor for want of the averment

16 & 17 *C.* 2. 8. *Eng.* 10 *C.* 1. 12. ſeſſ. 2. 9 *Will.* 3. 12. 6 *Anne* 10.

Where judgment after verdict ſhall not be ſtayed or reverſed for default of form.

A. D. 1665. Chap. 12.

of *hoc paratus eſt verificare*, or *hoc paratus eſt verificare per record.* or for not alledging *prout pater per record.* or for that there is no right *venu*, ſo as the cauſe were tryed by a jury of the proper county or place where the action is laid; nor any judgement after the verdict, confeſſion by *cognovit actionem*, or *relicta verificatione*, ſhall be reverſed for want of *miſericordia* or *capiatur*; or by reaſon that a *capiatur* is entred for a *miſericordia*, or a *miſericordia* is entred where a *capiatur* ought to have been entred; nor for that *ideo conceſſum eſt per cur.* is entred for *ideo conſideratum eſt per cur.* nor for that the encreaſe of coſts after a verdict in any action, or upon a non-ſuit *replevin.* are not entred to be at the requeſt of the party for whom the judgment is given; nor by reaſon that the coſts in any judgment whatſoever are not entred to be by conſent of the plaintiff; but that all ſuch omiſſions, variances, defects, and all other matters of like nature, not being againſt the right of the matter of the ſuit, nor whereby the iſſue or tryal are altered, ſhall be amended by the juſtices or other judges of the courts, where ſuch judgments are or ſhall be given, or whereunto the record is or ſhall be removed by writ of *error.*

Where ſuch defects amended.

II. Provided always, and be it further enacted by the authoritie aforeſaid, That this act, nor any thing therein contained, ſhall not extend to any writ, declaration, or ſuit of appeal of felony or murther; nor to any inditement or preſentment of felony, murther, treaſon, or other matter; nor to any proceſs upon any of them; nor to any writ, bill, action, or information upon any penal ſtatute, other than concerning cuſtoms and ſubſidies of tonnage and poundage; any thing in this act contained to the contrary thereof in any wiſe notwithſtanding.

Not to extend to appeals, indictments, ſuits on penal ſtatutes except for cuſtoms and ſubſidies.

III. And be it further enacted by the authority aforeſaid, That from and after the firſt day of May, in the year of our Lord one thouſand ſix hundred ſixty and ſix, no execution ſhall be ſtayed in any of the aforeſaid courts by writ of *error* or *ſuperſedeas* thereupon after verdict and judgment thereupon in any action perſonal whatſoever, unleſs a recognizance with condition, according to the ſtatute made in the tenth year of the reign of our late ſoveraign lord King Charles, ſhall be firſt acknowledged in the court where ſuch judgment ſhall be given; and further, that in writs of error to be brought upon any judgment, after verdict in any writ of dower, or in any action of *ejectione firmæ*, no execution ſhall be thereupon or thereby ſtayed, unleſs the plantiff or plantiffs in ſuch writ of error ſhall be bound unto the plantiff in ſuch writ of dower, or action of *ejectione firmæ* in ſuch reaſonable ſum as the court, to which ſuch writ of error ſhall be directed, ſhall think fit, with condition that if the

Execution not to be ſtayed by *error*, after verdict and judgment in perſonal action, unleſs recognizance entred into according to 10 *C.* 1. 8. ſeſſ. 3.

nor upon judgment in dower, or *ejectione firmæ*, unleſs bond with condition to pay coſts, &c. awarded.

judgment ſhall be affirmed in the ſaid writ of error, or that the ſaid writ of error be diſcontinued in default of the plantiff or the plantiffs therein, or that the ſaid plantiff or plantiffs be non-ſuit in ſuch writs of error, that then the ſaid plantiff or plantiffs ſhall pay ſuch coſts, damages, ſum, and ſums of money as ſhall be awarded upon or after ſuch judgment affirmed, diſcontinuance or non-ſuit had. A. D. 1665.

IV. And to the end that the ſame ſum and ſums, and damages, may be aſcertained, it is further enacted, that the court, wherein ſuch execution ought to be granted upon ſuch affirmation, diſcontinuance, or non-ſuit, ſhall iſſue a writ to enquire as well of the meane profits, as of the damages by any waſt committed after the firſt judgment in dower, or in *ejectione firme*, and upon the return thereof judgment ſhall be given, and execution awarded for ſuch meane profits and damages, and alſo for coſts of ſuit. Writ to inquire of meſne profits, &c. after the firſt judgment, in dower and *ejectione firmæ*.

V. Provided that this act, nor any thing therein contained, ſhall not extend to any writ of error to be brought by any executor or adminiſtrator; nor unto any action popular, nor unto any other action which is or hereafter ſhall be brought upon any penal law or ſtatute; nor to any indictment, preſentment, inquiſition, information or appeal; any thing herein before expreſſed to the contrary thereof in any wiſe notwithſtanding. Not to extend to error by executor, &c. nor to action popular, indictment, &c.

VI. Provided alwayes, that this act ſhall continue in force for three years, and to the end of the next ſeſſion of Parliament after the expiration of the ſaid three years, and no longer. Continuance 3 years. Revived and made perpetual 7 *Wil.* 3. 7.

CHAP. XIII.

An Act concerning Tythings, Oblations and Mortuaries.

Chief governors and council, with aſſent of both houſes, to abeliſh unreaſonable forms of tythings and oblations, and ſettle a table thereof.

WHEREAS divers and unreaſonable forms of tythings and oblations are in practiſe in many parts of this kingdome, as mortuaries, berts, bornikeſtri, *alias* barnikeſtrick, frividle, tenihaniſt, or ſoul legacies, marygallons and portions of meal, fleſh, candles, hides, tallow, apparell at burials and marriages, hogs of a year old and the like, whereby the ſubject is much oppreſſed, and others as prejudicial to the church, by means whereof and the want of ſettled tything tables many ſuits and controverſies do ariſe, to the grievance of his Majeſtie's loving ſubjects: and whereas all parties do deſire moderation and uniformity in tything, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority thereof, That it ſhall be lawful for the lord lieutenant, lord deputy, lord juſtice, or lords juſtices, or other chief governour or governours of this kingdom for the time being, and any ſeven or more of the council, with the aſſent and approbation of both houſes of Parliament in this kingdom, to aboliſh and take away the aforementioned forms of tythings, and ſettle ſuch a table of tythes, oblations, mortuaries, and other church duties, as ſhall be, with the aſſent and approbation of both houſes of Parliament as aforeſaid, judged convenient and rea-

A. D. 1665.

ſonable for all parties, as well clergy as pariſhioners, this power to continue in the ſaid lord lieutenant, deputy, lords juſtices, or other chief governour or governours of this kingdom for the time being, and the council, or any ſeven or more of them, with the conſent and approbation of both houſes of Parliament as aforeſaid, until the end of the next Parliament that ſhall be called in this kingdom after this preſent Parliament ſhall be diſſolved, and no longer.

Continuance of this power to the end of the next Parliament.

CHAP. XIV.

An Act enabling the Precentor and Treaſurer of the Cathedral Church of St. Patrick's Dublin, and the Arch-deacon of Dublin, to make Leaſes of Part of their Yards and Gardens for ſixty Years.

Cauſes of this act.

WHEREAS ſeveral pieces of ground now in a manner lying waſt, commonly known and reputed the yards and gardens belonging unto the houſes of the precentor, otherwiſe called the chaunter, and the treaſurer of the cathedral church of St. Patrick's, Dublin, and abutting on the ſtreet, commonly called St. Bride's-ſtreet, within the ſuburbs of the ſaid city of Dublin; which ſaid ſtreet, although already built and paved on the eaſt-ſide, is become very noyſome and offenſive to his Majeſtie's ſubjects that are frequently paſſengers through the ſame, by reaſon the other ſide thereof adjoyning to the yards and gardens of the ſaid precentor and treaſurer is not built or paved, or have convenient paſſage for water and common ſhoare, which is now a very great and apparent annoyance: and whereas there is a like parcel of ground, known and reputed the yard and garden belonging to the arch-deacon of Dublin, lying and being on the Poddle, a place unprofitable to the church, and offenſive to the neighbouring inhabitants, and unto paſſengers that way: for the future prevention thereof, and for the improving the revenues of the ſaid precentorſhip, treaſurerſhip, and archdeaconſhip; and alſo for beautifying that part of the ſuburbs of the city of Dublin, and amending the ſtreets and highways, and encouraging of ſuch as may take leaſes of any part of the ſaid yards and gardens; be it enacted by the king's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawfull to and for the preſent precentor (otherwiſe called the chaunter) the preſent treaſurer of the ſaid cathedral church of St. Patrick, and the preſent arch-deacon of Dublin, or their reſpective ſucceſſors, at any time hereafter, within the ſpace of five years next enſuing the making of this act, to ſet, demiſe, or make leaſes of any part or parcel of the ſaid yards and gardens belong-

Precentor, treaſurer of St. Patrick's, and arch-deacon of Dublin, may within 5 years make leaſes of yards and gardens belonging to them, not above 60 years, if chief governors and council think fit, and at ſuch rent as allowed by them.

belonging unto each of them, not exceeding threeſcore yards back from the ſtreets, if the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being ſhall think fit to any perſon or perſons, and not exceeding the term of threeſcore years from the date of ſuch leaſe or leaſes, at ſuch yearly rent as ſhall be allowed by the lord lieutenant, or other chief governour or governours and council in this kingdom for the time being; any thing in any former ſtatute now in force in this kingdom to the contrary in any wiſe notwithſtanding. A. D. 1665.

CHAP. XV.

An Act for the true making of all Sorts of Cloth, called the Old Drapery and New Drapery, and the true ſearching and ſealing thereof by his Majeſtie's Alnager within this Kingdom.

WHEREAS there is a general complaint in England, France, and other parts beyond the ſeas (whether the woollen cloth and other commodities made of wooll in this his Majeſtie's kingdom of Ireland are tranſported) of the falſe, deceitfull, uneven and uncertain making thereof which cometh to paſs by reaſon the clothiers and makers thereof, do not obſerve any certain aſſiſe for length, breadth and weight, in making their clothes and other commodities aforeſaid in this kingdom, as they do in the realm of England, and as they ought alſo to do here; by which means the merchants, buyers, and uſers of the ſaid cloth, and other commodities, are much abuſed and deceived, and the credit, eſteem, and ſale of the ſaid cloth and commodities is thereby much impaired and undervalued, to the great and general hurt and hindrance of the trade of clothing of this whole realm: for remedy whereof, may it pleaſe your Majeſty that it be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all ſaleable and vendible cloth, clothes, half clothes, and pieces of clothes, kerſies, freezes, cottons, rugs, and all other clothes called the Old Drapery, to be made from and after the five and twentieth day of June, in the year of our Lod God one thouſand ſix hundred ſixty and ſix, within this realm of Ireland, and ſent, ſet, offered, or put to ſale, ſhipped or imbarqued, and alſo all ſaleable and vendible bayes, ſayes, ſerges, fuſtians, ſtuffs, and other commodities whatſoever, made of wooll, part of wooll, cotton, or otherwiſe called or known by the name of the new dra-

Credit and ſale of Iriſh woollen cloth impaired and undervalued abroad, by the falſe and uncertain making thereof, by not obſerving a certain aſſiſe for length, &c. Repealed by 19 & 20 G. 3. C. 20. ſ. 1. as to fixing length, breadth and weight of woollens for which proviſions therein.

A. D. 1665. Chap. 5.

Of what length, breadth and weight all cloths (both old and new drapery) made in Ireland, and ſent or offered to ſale, ſhipped or imbarqued, ſhall be.

pery, to be made after the ſaid five and twentieth day of June, in the year of our Lord God one thouſand ſix hundred ſixty and ſix, within this ſaid realm of Ireland, and ſent, ſet, offered or put to ſale, ſhipped or imbarqued, ſhall be made of the length, breadth and weight herein after-mentioned, limited, declared, appointed and ſet down, and not otherwiſe, nor of any other length, breadth or weight; (that is to ſay) all broad clothes mixed and dyed in wooll, to be made within this kingdom, to be in length betwixt twenty-three and twenty-five yards out of the mill, and no more, and in breadth or ſize, ſix quarters and one half of a quarter out of the mill, at the leaſt, within the liſts; and in weight, being well thicked, ſcoured, fulled, dreſſed and dryed, threeſcore and twelve pounds at the leaſt, and to be all made with narrow liſts: and alſo all broad clothes, woven white, to be of the ſame breadth and length, or ſize, and in weight threeſcore pounds at the leaſt: and kerſies of all ſorts, not to exceed eighteen yards in length, and to be full three quarters and one half quarter of the yard out of the mill in breadth, and in weight, being dyed in the wooll, twenty-four pounds; and white kerſies, every yard to weigh a pound; and alſo all cottons and bandle cloth, to be in length twenty-four yards of the piece, and in breadth, being fully thicked, ſcoured and dreſſed, one full yard; alſo all manner of bayes, not to exceed forty-four yards in length, nor to be leſs, out of the mill, than a full yard in breadth; alſo all broad baize, called hundreds or blue liſts, not to exceed threeſcore yards in length, and to be in breadth, or ſize, ſeven quarters at the leaſt; alſo all ſayes and ſerges to be in length twenty-four yards, and not leſs than a full yard in breadth; alſo all carpetings, hangings and dornocks, not to exceed twenty-four yards in length; and carpettings and hangings to be in breadth, either ſix quarters, or three yards, and dornocks five quarters broad: and alſo other ſtuffs or commodities hereafter to be made of wooll, part of wooll, cotton wooll, or otherwiſe, commonly called or known by the ſeveral names of the old and new drapery within this realm of Ireland, or any of them, not to exceed twenty-four yards in length, and not to be leſs than a full yard in breadth, within the liſt; and likewiſe all manner of caddowes and ruggs, to be a yard in breadth within the liſt or ſelvedge out of the loom.

II. And for the more orderly managing the trade and myſtery of making and working of woollen cloth, and all other ſorts of clothes of the ſeveral natures and kinds aforeſaid, and for the better aſcertaining of the length, breadth and weight of all ſuch clothes to be made within the realm of Ireland, from and after the ſaid five and twentieth day of June, in the year of

our

A. D. 1665. Chap. 15.

our Lord God one thouſand ſix hundred ſixty and ſix; and that the buyers thereof may have juſt commerce and trade, without deceit or fraud, may it pleaſe your Majeſty that it may be enacted, and be it enacted by the authority aforeſaid, That there ſhall be and hereby there is conſtituted and appointed an office, called the alnage-office, and the chief officer therein is and ſhall be called his Majeſtie's alnager, and ſhall be conſtituted, from time to time, by letters patents under his Majeſtie's great ſeal, for years, or for life, as his Majeſtie thinks fit: and ſuch officer ſhall and may, from time to time, execute the ſaid office by himſelf, or his lawfull or ſufficient deputy or deputies, or ſubſtitute or ſubſtitutes; and ſhall be, and hereby is authorized and required, by himſelf, or his ſufficient deputy or deputies, ſubſtitute or ſubſtitutes, to meaſure, view, try, weigh, and ſearch all ſuch broad cloaths, kerſies, freezes, ſtuffs, baize, cottons, ſeys, ſearges, fuſtians, ruggs, and all other clothes and commodities whatſoever, to be made after the ſaid five and twentieth day of June, in the year of our Lord God one thouſand ſix hundred ſixty and ſix, of wooll, part of wooll, cotton wooll, or otherwiſe, commonly called the old and new drapery, before they be ſent, offered, or put to ſale, ſhipped or imbarqued within this kingdom of Ireland, whether the ſame be of the length, breadth and weight before limited and appointed, and be made, wrought and dreſſed, without ſtraining or ſtretching by any inſtrument, engine, or device whatſoever: and that the ſaid alnager, his deputy or deputies, ſubſtitute and ſubſtitutes, and every of them, ſhall and may, upon meaſuring, viewing, trying, ſearching, and weighing of the ſaid clothes, kerſies, ruggs, ſtuffs, and other commodities ſo to be made and to be put to ſale, ſent, ſet, offered, ſhipped or imbarqued, in caſe the ſame be found to be good, lawfull, and merchantable ware, ſeal or mark the ſame, by and with a ſeal or mark to him or them to be allowed of by the lord treaſurer of this his Majeſtie's realm of Ireland, or chancellor of his Majeſtie's court of Exchequer here; and in caſe the ſame, or any of them be found not to be merchantable, good and lawfull ware, but defective and deceitfully wrought and made, then to cut or jagg the ſame at both ends thereof, thereby to note the ſame defect, without any ſeal or other mark to be put to the ſame, to the intent that no perſon or perſons be deceived thereby; and that the alnager, and his deputy and deputies, ſubſtitute and ſubſtitutes, ſhall and may have, take, and receive to his Majeſtie's uſe, for the ſubſidy and alnage of all and every the ſaid clothes, kerſies, freezes, ruggs, cottons, bays, ſays, ſerges, and other ſtuffs and commodities aforeſaid, as well ſealed as jagged, and for all knit-ſtockings, fringes, cruels, lace, boulting, ſwadling bands or bridling, hereafter to be

Alnage office conſtituted by letters pat. for years or life.

Alnager, by himſelf or deputy to meaſure, weigh and ſearch all ſaid commodities before offered to ſale, whether of ſuch length, &c. and wrought without ſtraining by any engine or device.

And ſeal or mark if found good and merchantable.

Seal allowed by lord treaſurer or chancellor of Exchequer.

If found defective, to cut and jagg at both ends, altered by 19 & 20 G. 3. c. 20. ſ. 11.

How much to be taken for ſubſidy and alnage, repealed by 21 & 22 G. 3. c. 23. as to fees upon the new drapery.

A. D. 1665. Chap. 15.

made as aforeſaid, of wooll, cotton wooll or otherwiſe, and to be put to ſale within the ſaid kingdom of Ireland, ſuch ſum and ſums of money as are hereafter mentioned and ſet down; that is to ſay, for every broad cloth four-pence *ſterling* for the ſubſidie thereof, and for the alnagers fee for the ſealing of the ſame, one half-peny *ſterling*, and for every half cloth two-pence *ſterling* for the ſubſidie thereof, and for the alnagers fee for the ſealing thereof, one farthing *ſterling*, and ſo rateably for every kind of cloth, clothes, cottons, kerſies, ruggs, bayes, and other draperies and commodities aforeſaid, called the old drapery, according to the ſeveral lengths of the ſame; and for every piece of ſay, ſerge, ſtuff, knit-ſtockings, and of all and every other of the commodities aforeſaid, called the new drapery, for every four pound weight thereof, for the ſubſidie of the ſame, one farthing *ſterling*, and ſo rateably for every leſſer proportion of the ſame, according to the ſeveral weights thereof; and for the alnagers fee for the ſealing and jagging of every ſuch piece, or parcel of ſay, ſearge, knit-ſtockings, and every other of the commodities aforeſaid, for every four pounds weight thereof one farthing *ſterling*, and ſo rateably; and that for the meaſuring, ſearching, viewing, trying and weighing of every broad-cloth, kerſie, ruggs, bayes, cotton, and other drapery, containing in length twenty-three yards, or between twenty-three yards and twenty-five yards, ſhall be paid to the alnager for the ſearching thereof, for his fee, the ſum of two pence *ſterling*; and ſo rateably for every piece of like cloth and cloths, kerſies, ruggs, and of all other the like draperies and commodities aforeſaid, according to the number of the yards and quantity and quantities that it or they ſhall contain; and whatſoever clothier, maker or worker of any the commodities aforeſaid, or any other perſon or perſons, that ſhall, at any other time or times, after the ſaid five and twentieth day of June, in the year of our Lord God one thouſand ſix hundred ſixty and ſix, ſend, ſet, offer or put to ſale, ſhip or imbarque any ſuch ſaleable or vendible cloth or clothes, half clothes, pieces of clothes, kerſies, freezes, cottons, ruggs, bayes, ſayes, ſerges, fuſtians, ſtuffs, or any other clothes, knit-ſtockings, cruels, fringes, lace, or commodities whatſoever made of wooll, part of wooll, cotton wooll or otherwiſe, called or known by the ſeveral names of the old or new drapery, to be wrought or made within this kingdom of Ireland, before they ſhall be firſt meaſured, viewed, tryed, ſearched and weighed by the ſaid alnager, his deputy or deputies, ſubſtitute or ſubſtitutes, and ſhall be by him, them, or ſome of them, approved or allowed, and ſealed and marked in ſuch manner as by this act is appointed, to be good and merchantable, and that he or they have paid the ſubſidie, and alnagers and ſearchers fee for the ſame; that then every ſuch clothier, worker and maker of any ſuch clothes, kerſies, ruggs, ſtuffs, or of any other the

Alnager's fee for ſealing and ſearching.

Said commodities offered to ſale, &c. before ſealed and allowed, forfeited.

As to new drapery, repealed.

commodities aforeſaid, or any ſuch other perſon or perſons ſending, ſetting, offering or putting to ſale, ſhipping or imbarqueing, ſhall forfeit all and every ſuch goods ſo offered and put to ſale, ſhipped or imbarqued, to his Majeſty, his heirs and ſucceſſors, to be recovered, as in this act is directed and appointed.

III. And be it further enacted by the authority aforeſaid, That if the ſaid alnager of this kingdom, his deputy or deputies, ſubſtitute or ſubſtitutes, ſhall not duely execute the ſaid office of alnager, in the due meaſuring, weighing, viewing, ſearching, trying, ſealing and marking of any the aforeſaid ſaleable and vendible cloth, clothes, half clothes, kerſies, freezes, cottons, ruggs, bayes, ſayes, ſerges, fuſtians, ſtuffs, or any other of the clothes or commodities aforeſaid whatſoever, made of wooll, part of wooll, cotton wooll or otherwiſe, called and known by the ſeveral names of the old and new drapery; or if the ſaid alnager, his deputy or deputies, ſubſtitute and ſubſtitutes, ſhall be negligent or remiſs, or otherwiſe ſhall offend in the due execution of the ſaid office, that then the ſaid alnager, his deputy and deputies, ſubſtitute and ſubſtitutes, ſo offending, ſhall forfeit to his Majeſtie, his heirs and ſucceſſors, for the firſt offence, being duely convicted thereof, the ſum of ten pounds *ſterling*; and after ſuch fine paid, being convict of a ſecond offence, twenty pounds *ſterling*; and after ſuch ſecond fine and puniſhment impoſed, being convict of a third offence, thirty pound *ſterling*; and ſo for each offence of that kind, which he or they being found guilty, ſhall be fined for ſeverally and reſpectively, in manner as aforeſaid: and the conviction of the ſaid alnager, and recovery of the ſaid forfeiture, ſhall be by indictement, preſentment or information, to be brought for the ſame in any of his Majeſtie's courts of law in Dublin, or before his Majeſtie's juſtices of aſſize, or before the juſtices of the peace at their quarter-ſeſſions, ſeverally and reſpectively, where ſuch offence ſhall or may happen to be committed, from time to time, wherein no wager of law, protection or eſſoine ſhall be admitted.

Alnager neglecting, or not duly executing his office, forfeits,

firſt offence 10l.

ſecond 20l.

third 30l.

on conviction at aſſiſes, ſeſſions, &c.

IV. And be it further enacted by the authority aforeſaid, That all and every clothier, and maker of cloth and ſtuffes within this realm of Ireland, and every other perſon and perſons, which ſhall make any cloth, clothes, half clothes, or pieces of clothes, kerſies, freezes, cottons, ruggs, bayes, ſayes, ſerges, fuſtians, ſtuffs, or any other cloth or clothes, or any other commodity or commodities whatſoever made of wooll, part of wooll, cotton wooll or otherwiſe, commonly called or known by the names of the old or new drapery, within this kingdom of Ireland, for ſale, that before he,

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ſhe, or they, or any of them, ſhall ſell, ſend, offer or put to ſale, ſhip or imbarque the ſame, or any part thereof in any city, cities, burrough, town, village, or place whatſoever within this ſaid kingdom of Ireland, he, ſhe, and they ſhall as well weave his and their mark and marks into the head end of all and every ſuch cloth and clothes, half clothes, pieces of clothes, kerſies, freezes, cottons, ruggs, bayes, ſayes, ſerges, fuſtians and ſtuffes, and every other of the cloth and clothes, commodity and commodities whatſoever as aforeſaid, of wooll, part of wooll, cotton wooll or otherwiſe, commonly called or known by the ſaid ſeveral names of the old and new drapery, upon pain of forfeiture of all and every ſuch clothes and other commodities, as ſhall not be ſo marked as aforeſaid.

Clothiers before they offer to ſale, &c. ſhall weave their mark into the head end,

on pain of forfeiture.

V. Provided always, and it is the true intent and meaning of this preſent act, That neither the alnager of this kingdom of Ireland, nor his deputy or deputies, ſubſtitute or ſubſtitutes, nor any of them, ſhall either ſearch, view, try, weigh or ſeal any of the aforeſaid clothes, ſtuffs or commodities aforeſaid, made by any perſon or perſons for his, her, or their own uſe or uſes, or for the uſe of his, her, or their family or families, not ſent, ſet, offered or put to ſale, ſhipped or imbarqued within this kingdom; neither ſhall take, receive or require any thing for the ſame, upon pain of forfeiture of five pounds to his Majeſtie, being convicted of the ſaid offenees in ſuch manner as by this act is declared.

Alnager not to ſearch, &c. cloths made for private uſe, not for ſale, on pain of 5l.

VI. And be it further enacted by the authority aforeſaid, That for the better execution of the ſaid offices, there ſhall be at all times meet and convenient places appointed by the ſaid alnager, or by his deputie or deputies, ſubſtitute or ſubſtitutes, in every city, burrough, town corporate, market town, and other convenient place within this kingdom of Ireland, for the meaſuring, ſearching, viewing, weighing, marking and ſealing of all ſuch cloth, clothes, half clothes, pieces of clothes, kerſies, freezes, cottons, ruggs, bayes, ſayes, ſerges, fuſtians, ſtuffs, and every other of the commodities aforeſaid whatſoever, made of wooll, part of wooll, cotton wool or otherwiſe, commonly called and known by the ſeveral names of the old and new drapery, whereby every perſon and perſons that ſhall have any of the ſaid cloth, clothes, half clothes, pieces of clothes, or any other of the commodities aforeſaid to be ſearched, viewed, meaſured, tryed and ſealed, may certainly know where to have the ſame perfected and done, and may not be drawn to travel above the ſpace of ſix miles from their ſeveral aboades for the perfection thereof: and alſo, that the ſaid alnager ſhall and may from time

Convenient place to be appointed in every city, &c. by alnager for meaſuring, &c.

That perſons having cloths to be viewed may not be drawn above ſix miles from home.

to

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to time, and at all times, have full power and authority to conſtitute, ſubſtitute, make, depute, appoint and place in every of the counties, cities, burroughs, towns corporate, villages, hamlets, and places within this ſaid kingdom of Ireland, ſuch and ſo many deputy and deputies, ſubſtitute and ſubſtitutes as well for the meaſuring, ſearching, viewing, weighing, marking and ſealing of all ſuch cloth, clothes, half clothes, pieces of clothes, Jerſies, freezes, cottons, ruggs, bayes, ſayes, ſerges, fuſtians, ſtuffs, and every other of the clothes and commodities aforeſaid whatſoever, made of wooll, part of wooll, cotton woolls, or otherwiſe, commonly called and known by the names of the old and new drapery as are herein or hereby impowered and authorized to be meaſured, ſearched, viewed, weighed, marked or ſealed; and alſo for the collecting and gathering of the ſaid ſubſidie and alnage to his Majeſtie's uſe, as to the ſaid alnager ſhall be thought meet and convenient, and likewiſe to do and perform all and whatſoever is or ſhall be needfull, neceſſary or lawfull to be done therein by the ſaid alnager; and further, that it ſhall and may be lawfull to and for the ſaid alnager, his deputy and deputies, ſubſtitute and ſubſtitutes, and every of them from time to time, and at all times, to ſearch in all ſhips, barques, hoyes, crayes and boats, fairs and markets of Ireland, as often as occaſion ſhall require, and in the day time, with the conſtable or other officer of the pariſh, to enter into and ſearch all and ſingular the houſes, ware-houſes, ſhops or cellars of any perſon or perſons whatſoever within this kingdom of Ireland, as well within liberties as without, where any ſuch cloth, clothes, or any other of the ſaid commodities are, or ſhall be ſuppoſed to be and the ſame to make ſtay of, until the owner and owners thereof have anſwered his and their contempt therein: and that if any perſon or perſons ſhall reſiſt or deny any ſearch or ſearches by the ſaid alnager, or his deputie or deputies, ſubſtitute or ſubſtitutes for the time being, or any of them at any time or times hereafter to be made as aforeſaid, that then he, ſhe, or they making ſuch reſiſtance or denial, ſhall for every ſuch fault or offence, reſiſtance or denial, being convict thereof in manner as aforeſaid, incur ſuch pain and penalty as the juſtices, before whom the perſon or perſons ſo convict, ſhall think fit to impoſe, not exceeding ten pounds.

Alnager may appoint deputies.

ſearch all ſhips, boats, fairs and markets.

and in the day with a conſtable enter houſes, where ſuch cloths ſuppoſed to be,

and ſtay the ſame till contempt anſwered.

Perſons reſiſting or denying, forfeit not above 10l.

VII. And whereas divers ſubtile and naughty means are practiſed in the preſſing of clothes, by preſſing of the ſame in a hot preſs, and by heating of thick boards or plancks, and laying the ſame under and above the ſaid clothes in a cold preſs, and by divers other cunning ſleights and inventions: be it therefore enacted by the authority aforeſaid, That all and every perſon and perſons preſſing of any kind or ſort of woollen clothes, by or with any hot preſs, or with any other the like ſubtile and deceitfull means as aforeſaid, ſhall forfeit all and every ſuch cloth and clothes as ſhall be ſo preſſed; any matter or thing in this preſent act contained to the contrary thereof notwithſtanding.

Repealed by 19 & 20 *G.* 3. *c.* 20 *ſ.* 12.

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Searcher or waiter of any port knowingly permitting ſaid draperies to be ſhipped, not marked and ſealed,

VIII. And be it further enacted by the authority aforeſaid, That no ſearcher or waiter of or at any port within this realm of Ireland do or ſhall, at any time after the ſaid twenty-fifth of June in the year of our Lord God one thouſand ſix hundred ſixty and ſix, knowingly permit or ſuffer any of the aforeſaid cloth, clothes, half clothes, piece or pieces of clothes, kerſies, freezes, cottons, ruggs, bayes, ſayes, ſerges, fuſtians, ſtuffs, knit-ſtockings, or any other of the draperies or commodities aforeſaid whatſoever, made of wooll, part of wooll, cotton wooll, or otherwiſe, commonly called or known by the names of the old and new drapery, to have or carry into any ſhip, barque, hoy, cray or boat within this kingdom of Ireland, unleſs the ſame be marked and ſealed by the alnager, or his deputy or deputies, ſubſtitute or ſubſtitutes, or one of them, with the ſeal or mark thereunto ordained, upon pain of forfeiture of his or their office, and impriſonment by the ſpace of ſix months, without bail or mainprize, being duely convict thereof in manner as aforeſaid.

forfeiture of office, and ſix months impriſonment.

All officers, &c. ſhall aſſiſt the alnager.

IX. And it is further enacted by the authority aforeſaid, That all mayors, ſheriffs, bailiffs, juſtices of peace, head-burroughs, conſtables, and all other his Majeſtie's officers, miniſters and loving ſubjects, ſhall be aiding and aſſiſting unto the alnager, and to his deputy and deputies, ſubſtitute or ſubſtitutes, and every of them, by all lawful ways and meanes whatſoever, for the due execution of the aforeſaid offices, as they will anſwer the contrary at their perils.

Counterfeiting or taking away from cloths alnager's ſeal;

X. And be it further enacted by the authority aforeſaid, That if any perſon or perſons do, at any time after the twenty-fifth day of June one thouſand ſix hundred ſixty and ſix, counterfeit and ſet to, or take away from, any the clothes and other commodities herein called the old and new drapery, the alnagers ſeal appointed to be fixed to all ſuch commodities by this act, that every perſon and perſons ſo offending, and being duely convict thereof, in ſuch manner as is herein appointed, ſhall forfeit for every ſuch offence, as often as he ſhall be convict thereof in manner as aforeſaid, the ſum of ten pounds *ſterling* for every ſuch offence, the ſame to be recovered to his Majeſtie's uſe in manner as aforeſaid.

penalty 10l.

CHAP. XVI.

A. D. 1665.

An Act for the Building of a Bridge over the River of Black-water at Cappoquin in the County of Waterford.

WHEREAS the repairing and new building of the bridge over the river of Black-water at Cappoquin, in the county of Waterford, will be of great uſe and conveniency not only to the inhabitants of the ſaid county of Waterford, but alſo to the ſeveral inhabitants of the county of the city of Waterford, the county of the city of Cork, the counties of Cork, Kerry, and Tipperary: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons in this preſent Parliament aſſembled, That the ſaid bridge over the river of Black-water, formerly at Cappoquin aforeſaid, be new built and repaired before the twenty third day of October, which ſhall be in the year of our Lord God one thouſand ſix hundred ſixty and ſix; and that the ſame ſhall be built and repaired at the charge of the ſaid ſeveral counties of Waterford, and county of the city of Waterford, Cork, and the county of the city of Cork, Kerry and Tipperary.

The bridge over the Black-water at Cappoquin to be new built, before 23d of October, 1666, at charge of certain counties.

II. And be it further enacted by the authority aforeſaid, That for and towards the repair and new building thereof, ſuch a ſum of money ſhall be raiſed out of the ſaid ſeverall counties of Waterford, and of the county of the city of Waterford, Cork, and the county of the city of Cork, Kerry and Tipperary, as to the lord lieutenant or other chief governour or governours of this kingdom of Ireland, and the council for the time, being, ſhall be thought fit and neceſſary for the new building and repairing thereof, not exceeding ſix hundred pounds; the ſame to be raiſed within ſuch time, and to be divided and apportioned upon the ſaid counties in ſuch manner, as to the ſaid lord lieutenant, or other chief governour or governours of this kingdom, and the council for the time being, ſhall be alſo thought fit: and the ſaid ſeveral ſums to be apportioned upon the ſaid ſeveral and reſpective counties, to be levied by diſtreſs and ſale of the goods of the parties refuſing or neglecting to pay the ſame reſpectively, or otherwiſe in ſuch manner, and by ſuch other lawfull ways and means and perſons, as to the ſaid lord lieutenant or other chief governour or governours of this kingdom of Ireland, and the council for the time being ſhall be thought fit.

Sum not exceeding 600l. to be raiſed, and apportioned as chief governors, and council think fit.

by diſtreſs and ſale, &c.

CHAP XVII.

¶ *An Act for graunting foure entire Subſidies by the Temporallitie, for the Defence of this his Majeſtie's Kingdome.*

WHEREAS wee your Majeſtie's ſubjects of this kingdome aſſembled in Parliament, being informed that there are greate preparations made by your Majeſties enemies abroade, both of ſea and land forces, and that they have publiquely declared warr againſt your Majeſties kingdome and people, have juſt cauſe to ſuſpect that they intend much trouble to your Majeſties crowne and government, and houlding it our bounden duty upon all occaſions, more eſpecially in times of hoſtillitie and publique danger, to ſerve your Majeſtie with our lives and fortunes, have thought fitt moſt humbly to offer unto your Majeſtie foure entire ſubſidies, to be leavyed and raiſed for your Majeſ-

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ties preſent ſupply in the neceſſary and juſt defence and preſervacion of this your Majeſtie's kingdome and people: may it therefore pleaſe your Majeſtie that it may be enacted, and be it enacted by the King's moſt excellent Majeſtie, by and with the advice and conſent of the lords ſpirituall and temporal and commons in this preſent Parliament aſſembled, and by the authoritie of the ſame, that your Majeſtie, your heires and ſucceſſors, ſhall have, receive and enjoy, foure entire ſubſidies of the temporallitie of this your Majeſtie's kingdome of Ireland, over and above the eight ſubſidies lately graunted unto your Majeſtie, in the ſeventeenth yeare of your Majeſtie's raigne, each of which ſaid foure ſubſidies to be fifteen thouſand pounds Engliſh, and the ſaid foure ſubſidies to be leavyed and paid in manner following; (that is to ſay) the firſt ſubſidie to be leavyed and paid at or before the twenty fifth day of June, which ſhall bee in the year of our Lord God one thouſand ſix hundred ſixtie and ſix; the ſecond ſubſidie to be paid att or before the twenty fifth day of December, in the ſame yeare of our Lord God one thouſand ſix hundred ſixtie and ſixe; the third ſubſidie to be leavyed and paid att or before the twentie fifth day of June, which ſhall be in the year of our Lord God one thouſand ſix hundred ſixtie and ſeven; and the fourth ſubſidie to be leavyed and paid att or before the twentie fifth day of December, which ſhall be in the yeare of our Lord God one thouſand ſix hundred ſixtie and ſeaven; the ſaid foure entire ſubſidies to be ſeverally and reſpectively rated, taxed, and leavyed of all and every perſon and perſons, of what eſtate he or they bee, according to the ſame rules, rates and proportions, and in the ſame manner and forme, and by the ſame powers and authorities, as the ſaid eight entire ſubſidies lately graunted to your Majeſtie are to be paid and leavyed, and as in and by the ſaid act lately paſſed in the ſeventeenth yeare of your Majeſties raign, entituled, *An Act for the graunt of eight entire ſubſidies by the temporallitie*, are particularly declared, limitted, and appointed.

II. And bee it further enacted by the authoritie aforeſaid, That the ſaid foure entire ſubſidies, and every parte thereof, ſhall be diſpoſed of and applied for the juſt and neceſſary defence and preſervation of this your Majeſties kingdome and people, in ſuch manner as his grace the lord lieutenant, or other chiefe governor or governors of this kingdome for the time being, ſhall judge fitt and convenient for the putting of your Majeſties proteſtant ſubjects in this kingdome into a poſture of defence, to withſtand any invaſion or other attempts, that may be made from abroade, to the diſturbance of that publique peace and tranquillitie, which by the bleſſing of God upon your Majeſtie's happy government this kingdome now enjoyes; all which the ſaid lord lieutenant, or other chiefe governor or governors for this kingdome for the time being, is and are authoriſed hereby to doe from time to time, in ſuch way, manner, and order, as he or they ſhall judge moſt expedient for the common ſafety and preſervation of this his Majeſtie's kingdome and people.

III. Provided nevertheleſſe, and it is hereby declared and enacted, That in caſe the publique trouble, which threaten abroade, ſhall not have continuance unto the twenty fifth day of June, which ſhall be in the yeare of our Lord God one thouſand ſix hundred ſixty and ſeaven, or in caſe the prohibicion of exporting cattle out of this kingdome ſhall not be taken off before the twenty fifth day of December, which ſhall be in the yeare of our Lord God one thouſand ſix hundred ſixtie and ſix, that then and in ſuch caſe the leavying, paying and collecting of the two laſt of the ſaid foure ſubſidies herein formerly mencioned, ſhall be reſpited and ſuſpended for ſuch terme, tyme, and ſpace as the ſaid lord lieutenant or other chief governor or governors of this kingdome for the tyme being, ſhall thincke fitt, and not otherwiſe; any thing in this preſent act formerly mencioned to the contrary thereof notwithſtanding.

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CHAP. XVIII.

An additional Act for the better ordering and collecting the Revenue ariſing by Hearth-Money.

Impoſed 13 & 14 *C.* 2. 10. *Eng.* 15 *C.* 2. 13. *Eng.* 16 *C.* 2. 3. *Eng.* *Repealed* 1 *W.* & *M.* 10. *ſeſſ.* 1. *Eng.*

WHEREAS the revenue ſettled on his Majeſtie, his heirs and ſucceſſors, by a late act made in this kingdom, entituled, *An Act for eſtabliſhing an additional revenue upon his Majeſtie, his heirs and ſucceſſors, for the better ſupport of his and their crown and dignity*, by reaſon of ſome defects in the ſaid act, and by the negligence of conſtables and other officers thereby intruſted, hath been much diminiſhed, and not duely anſwered: for remedy thereof, and for the better aſcertaining and collecting the ſaid revenue for the future, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by authority of the ſame, That whereſoever any returns of any hearths, firing places, or ſtoves, ſhall in purſuance of the aforeſaid act, or this preſent act, be made to any juſtices of the peace in this kingdom, or ſuch other perſon or perſons as ſhall be appointed to receive the ſame, that the ſaid juſtices of the peace, or other perſon or perſons to whom ſuch returns ſhall be made, or any one of them, ſhall be and are hereby authorized to examine the perſons making ſuch returns upon oath, concerning the truth and faithfulneſs of their acting in making ſuch returns.

Revenue not duly anſwered by reaſon of defects in ſtatute 14 and 15 *C.* 2. 17. and neglect of officers.

Perſons making returns of hearths may be examined on oath.

II. And be it further enacted by the authority aforeſaid, That if any owner or occupier of any houſes and edifices, as by the aforeſaid act is required, ſhall omit in his accompt, ſo required to be made by the aforeſaid act, any hearth, firing-place or ſtove, he ſhall for every ſuch hearth, firing-place or ſtove, he ſhall ſo omit, forfeit the ſum of four ſhillings; and alſo that in caſe any conſtable or other perſon that, in purſuance of the aforeſaid act, ſhall be appointed to joyn with, and aſſiſt the conſtable in taking an account of the ſeveral hearths, firing-places, and ſtoves in each pariſh, or any other place, ſhall make default in giving ſuch notice to the owners and occupiers of every houſe and edifice in every pariſh or other place, as by the ſaid former or this preſent act is required, or to deliver ſuch accompts in writing, receive, reform or take by their own view unto the juſtices of the peace, in their reſpective quarter ſeſſions, or ſuch perſon or perſons

Occupiers of houſes to forfeit 4*s.* for every hearth omitted in the accounts.

Conſtables and aſſiſtants making default forfeit 40*s.*

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as ſhall be appointed to receive the ſame, as by the ſaid former or this preſent act is required, that every ſuch conſtable and aſſiſtant to him, making ſuch default, ſhall forfeit for every ſuch offence the ſum of forty ſhillings; the ſaid forfeitures and penalties to be recovered by action of debt, bill, plaint or information in any of his Majeſtie's courts of record, the one half to the uſe of his Majeſtie, and the other half to him or them that ſhall ſue for the ſame.

Further allowance; not exceeding 3d. *per* pound, to clerk of the peace.

III. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the chancellor, treaſurer, vice-treaſurer, and barons of his Majeſtie's court of Exchequer, or any three of them, to give and make ſuch further allowance unto the clerks of the peace of the reſpective counties in this kingdom, or other perſon to be appointed for that ſervice, for their labour and pains in and about the writing, engroſſing and returning into his Majeſtie's court of Exchequer, the duplicates and returns of the ſeveral conſtables in parchment, over and beſides what is allowed by the aforeſaid act, as they ſhall think meet and convenient; the ſaid further allowance not exceeding three pence in the pound; any thing in the ſaid former or this act to the contrary notwithſtanding.

Chief governors and council may appoint officers to collect this duty,

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the lord lieutenant, lord deputy, or other chief governour or governours of this kingdom for the time being and council, to conſtitute and appoint ſuch perſon and perſons as they ſhall think meet to be the officer or officers for the receiving and collecting and anſwering the duty ariſing by the ſaid hearths, firing-places and ſtoves, by virtue of the aforeſaid act and this preſent act, and for viewing and numbering the ſeveral hearths, firing-places and ſtoves in the ſaid act and this preſent act mentioned, and for the inſpecting and examining the ſeveral rolls, certificates, and returns thereof made or to be made, from time to time, into his Majeſtie's court of Exchequer, in purſuance of the ſaid act, or any other thing belonging to the ſame; which officer or officers, or any of them, ſhall have full power to examine and ſuperviſe the rolls and number of hearths, firing-places and ſtoves already returned, or that ſhall be returned into the ſaid court of Exchequer, and from time to time to take copies or abſtracts of the rolls ſo returned, without paying any fee for the ſame, and being accompanied with the conſtable, or publick or proper officer of the place, who are hereby required to attend and aſſiſt upon this occaſion, and in all pariſhes and places where there are no conſtables,

inſpect the rolls, certificates and returns,

or

or other publique officers as aforeſaid, or where ſuch conſtables or publique officers ſhall refuſe ſo to attend and aſſiſt there without any ſuch aſſiſtance, to enter in the day time into any dwelling or other houſe or edifice, and to ſearch and examine whether there be any more hearths, firing places or ſtoves in the ſame, than were formerly returned or certified; and if they ſhall find any variance in the number returned, both the officer or officers appointed by the lord lieutenant, lord deputy, or other chief governour or governours and council of this kingdom, and the conſtable or other officer as aforeſaid, if any ſuch ſhall attend and aſſiſt, ſhall upon all occaſions certifie the ſame under his and their hands to the clerk of the peace, or ſuch other perſon or perſons as in his ſtead ſhall be appointed to receive the ſame; which certificate he or they are hereby enjoyned to make; and likewiſe at the ſame time return a duplicate thereof unto his Majeſtie's remembrancer in the Exchequer; and the officer or officers ſo appointed by the lord lieutenant, lord deputy, or other chief governour or governours and council of this kingdom, ſhall, from and after ſuch his and their appointment, have power to collect and leavy the revenue and duties ſo given to his Majeſtie as aforeſaid, and all arrears that ſhall hereafter grow due for the ſame; any thing in the aforeſaid act contained to the contrary notwithſtanding.

and enter houſes in the day time with conſtable and aſſiſtants, and ſearch whether any more hearths than formerly returned, and if any variance, certify to clerk of the peace.

Duplicate to be returned into Exchequer.

Such officers to have power to collect ſaid revenue.

V. And be it further enacted by the authority aforeſaid, That from and after ſuch appointment of any ſuch officer or officers in any county of this kingdom to collect, leavy and receive the ſaid duty, and notice thereof being given to the ſheriffs of the ſaid county for the time being, the ſaid duties ſhall from time to time be paid to ſuch officer as ſhall by virtue of this act be ſo appointed to receive the ſame, upon demand thereof, by ſuch officer or his deputy, at the houſe, chamber, or place where the ſaid duty ſhall ariſe or grow due; and that in caſe of refuſal, or default of ſuch payments thereof, after ſuch demand, the ſaid officer or his deputy may at any time, with the aſſiſtance of a conſtable or other officer as aforeſaid, in the day-time, leavy the ſaid duty, and all the arrearages thereof, by diſtreſs and ſale of the goods of the party or parties ſo refuſing or making default; reſtoring to the party or parties the overplus of the value of ſuch goods over and above the duty and arrearages thereof then behind, and over and above the neceſſary charges of taking ſuch diſtreſs; which charges ſhall in no caſe exceed the fourth part of the duty and arrearages thereof ſo leavied; and in caſe the ſaid conſtable or other officer ſhall refuſe or neglect to give his aſſiſtance

Officers after notice of his appointment to the ſheriff, to levy at the place where due,

by diſtreſs and ſale upon refuſal, with aſſiſtance of conſtable in day-time.

Charges of diſtreſs not to exceed 4th part of the duty and arrears.

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aſſiſtance in manner as before named, that then ſuch conſtable or other officer, for every ſuch refuſal or neglect, ſhall forfeit the ſum of forty ſhillings, to be recovered by action of debt, bill, plaint, or information, in any of his Majeſtie's courts of records; the one moyetie to the uſe of his Majeſty, his heirs and ſucceſſors, and the other moyetie thereof to him or them that ſhall ſue for the ſame.

Penalty 40s. upon conſtable, &c. refuſing or neglecting.

VI. Provided alwayes, and be it enacted, That no owners, proprietors, or occupiers of the ſaid hearths, firing-places or ſtoves, ſhall be charged, diſtrained, or moleſted for the ſaid duty or any arrearages at any time after the ſpace of two years next after the duty hereafter ſhall become due to his Majeſty, his heirs or ſucceſſors; nor for any arrearages for the ſaid duty already incurred, before the four and twentieth day of June one thouſand ſix hundred ſixty and five; nor for any arrears whatſoever of the ſaid duty which ſhall not appear upon record in his Majeſtie's court of Exchequer; and from and after the appointment of ſuch officer or officers in any county in this kingdom, and notice thereof given to the ſheriff of the ſaid county for the time being, all officers formerly appointed to collect the ſaid duty ſhall be diſcharged from the future collecting and leavying the ſame, or demanding any fees or allowances by reaſon thereof, otherwiſe than as they are directed by this act; and the ſaid officer or officers, that ſhall be ſo appointed as aforeſaid to collect this duty, ſhall pay the ſame into his Majeſtie's Exchequer, to the ends in the ſaid former acts mentioned, by the end of hillary term yearly, or within thirty days after.

Occupiers of hearths not to be charged two years after the duty due,

nor for arrears not appearing on record in Exchequer.

Officers formerly appointed to collect, diſcharged.

Said duty payable into Exchequer in Hillary term yearly, or 30 days after.

VII. Provided, That no perſon or perſons ſhall be imployed as aforeſaid, unleſs he and they ſhall firſt give in ſufficient ſecuritie to his Majeſty, his heirs and ſucceſſors, before one or more of the barons of the Exchequer, for the due collecting, leavying, and paying in the ſaid revenue, or ſuch part thereof as ſhall be committed to their reſpective truſts and ſhall likewiſe take a corporal oath before one or more of the barons of the Exchequer, or before ſuch perſons as ſhall be authorized to take ſuch ſecurity and oath, by commiſſion from the ſaid court of Exchequer, for the due and faithful execution thereof, according to the laws enacted to that purpoſe; and that they ſhall not exact or demand any fee or ſum of money for the execution thereof from any perſon, but onely from the King's Majeſty, under pain of being diſabled to execute the ſaid office or imployment, and upon legal conviction for any ſuch crime, to render treble damages to the party grieved; and ſhall ſign and deliver acquittances for moneys

Collectors firſt to give ſecurity and take oath for the due execution,

Not to exact fees, on pain of diſability, and treble damages,

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by them received, without any fee or reward whatſoever; and every ſuch acquittance ſhall be a final diſcharge, as in the aforeſaid act is provided; and if any perſon ſhall fraudulently ſtop up, deface, cover, or conceal any hearth, firing-place, or ſtove, chargeable by the ſaid act or this preſent act, and the ſame be proved, either by confeſſion of the party, or upon oath before one or more juſtices of the peace or chief magiſtrate, or ſuch perſon or perſons as ſhall be authorized therefore, or by their view, he ſhall for ſuch offence pay double the value of the duty for the ſame, to be leavyed as aforeſaid; and if any queſtion or difference ſhall ariſe about the taking of any diſtreſs, or levying any moneys, by virtue of this or the former act, the ſame ſhall be heard and finally determined by one or more juſtice or juſtices of the peace neer adjoyning, or chief magiſtrate of the place reſpectively, upon complaint in that behalf; and the juſtices of the peace and chief magiſtrates, and other his Majeſties officers, within their ſeveral limits and juriſdictions, are hereby authorized and required to give aſſiſtance from time to time to ſuch officers as ſhall be ſo appointed as aforeſaid, for the collecting of the ſaid duty, according to the true meaning of the ſaid former and this preſent act.

to ſign acquittances without fee.

Perſons fraudulently ſtopping up or concealing hearths to pay double.

Differences to be determined by adjoining juſtices, or the magiſtrate.

They and all officers to aſſiſt the perſons collecting.

VIII. And be it further enacted, That all and every ſuch officer or officers, as ſhall be at any time appointed in manner above mentioned for the collecting, gathering and receiving of the ſeveral ſums of money, now or hereafter to grow due to his Majeſty, his heirs or ſucceſſors, for or in reſpect of the ſaid duty ariſing upon hearths, firing-places and ſtoves, ſhall ſatisfie and pay unto the reſpective clerks of the peace of this kingdom, or to ſuch other perſon or perſons as in their ſtead ſhall be appointed for that ſervice, all ſuch allowances as are by the ſaid former act given and allowed unto them, and ſhall in purſuance of this act be given or allowed unto them.

Allowances to clerks of the peace.

IX. Provided alwayes, That until ſuch time as the lord lieutenant, lord deputy, or other chief governour or governours and council of this kingdom for the time being, ſhall conſtitute and appoint ſuch officer and officers to act in and concerning the premiſſes as is herein above mentioned; that all and every officer and miniſter, and other perſon by the ſaid former act required or appointed to do or perform any matter or thing relating unto the levying, raiſing, collecting or paying in of the ſaid duty ariſing upon hearths, firing-places or ſtoves, ſhall continue to act according to the ſeverall powers by the ſaid former act and this preſent act ſet down and appointed;

Till ſuch officers appointed, the former may continue to act.

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any matter or thing herein contained to the contrary notwithſtanding.

Chief governors and council to appoint perſons to execute this act,

X. And be it further enacted, That it ſhall and may be lawful for the lord lieutenant, lord deputie, or other chief governour or governours and council of this kingdom for the time being, from time to time, to appoint ſuch perſons as they ſhall think fit, to do, execute, and perform all and every the matters and things, which by the ſaid former act or this preſent act are to be done, executed or performed by any juſtices of the peace, or clerks of the peace, of this kingdom; and from and after ſuch appointment all other perſons, not thereby appointed, ſhall be and are hereby diſcharged from doing, executing, and performing any matter or thing relating unto the premiſſes; any thing in the ſaid former act, or in this preſent act, to the contrary notwithſtanding.

other perſons diſcharged.

Clauſe in former act concerning houſes exempted upon certificate of two juſtices, ſhall extend to widows only.

XI. And whereas there is one clauſe in the ſaid former act contained in theſe words, "Provided always, and be it further enacted, That in caſe any two juſtices of the peace, "ſhall in writing under their hands, yearly certifie their belief, "that the houſe wherein any perſon doth inhabit within ſuch "county wherein they are juſtices of the peace, is not of greater "value than eight ſhillings *per annum*, upon the full improved "rent, and that neither the perſon ſo inhabiting nor any other "uſing the ſame meſſuage, hath, uſeth, or occupieth any lands "or tenements of their own or others, of the yearly value of "eight ſhillings *per annum*, nor hath any lands, tenements, goods "or chattles, of the value of four pounds in their own poſſeſſi-"on, or in the poſſeſſion of any other in truſt for them, then "in ſuch caſe, upon ſuch certificates made to the juſtices of the "peace of ſuch county, at any of their quarter-ſeſſions to be "held for the ſame county, and allowed by them, for which "certificate and allowance no fee ſhall be paid, the perſon on "whoſe behalf ſuch certificate is made ſhall not be returned by "the conſtable, or other perſons to be aſſiſtant to them as afore-"ſaid; and the ſaid houſe is hereby for that year diſcharged of "and from all duties by this act impoſed; any thing herein "contained to the contrary notwithſtanding:" be it further enacted by the authority aforeſaid, That the ſaid clauſe ſhall be conſtrued to extend onely to ſuch widows as ſhall produce ſuch certificates as are therein mentioned; and as to all other perſons whatſoever, the ſaid clauſe is hereby abſolutely repealed.

Repealed as to all other perſons.

Houſes within precinct of cathe-

XII. And be it further enacted, That no houſes or edifices within the ſcite or precinct of any cathedral, or collegiate

church, within this kingdom ſhall by the aforeſaid act be diſcharged of the duties thereby, or by this preſent act, payable to his Majeſtie; any thing in the ſaid former act contained to the contrary notwithſtanding. A. D. 1665. Chap. 18.

dral or collegiate church not diſcharged.

XIII. And whereas by the ſaid former act private ovens and kilns are not to be charged with any duty to his Majeſtie as other hearths, firing-places and ſtoves, and that ſome doubt hath been made, and may hereafter ariſe, what ſhall be conſtrued and taken for private ovens and kilns, and what ſhall be taken and accounted for publick ovens and kilns: be it further enacted, explained, and declared by the authority aforeſaid, That all ovens in bakers houſes, and in taverns, inns and victualling houſes, as alſo all kilns wherein mault or other grain is or ſhall be dryed to be ſold, ſhall be deemed, conſtrued, and taken to be publick ovens and kilns, and ſhall be charged accordingly; and that all other ovens and kilns ſhall be accounted and taken as private ovens and kilns, and ſhall not be charged with any duty to his Majeſtie for the ſame; any thing in the ſaid former, or this preſent act, to the contrary notwithſtanding.

Ovens in bakershouſes, taverns, inns, &c. and kilns where grain dried for ſale deemed publick and charged;

Others private.

XIV. And be it further enacted by the authority aforeſaid, That the ſaid duty by the aforeſaid, and this preſent act made payable to his Majeſtie, ſhall be payable yearly on the tenth day of January in every year, at one intire payment; and that all returns, to be made by any owners or occupiers of any houſes or edifices of any hearths, firing-places, and ſtoves in this kingdom, ſhall be made and delivered in to the conſtable, or other officer, in every pariſh ſome time before the tenth day of November yearly; and to that end the ſeveral conſtables, and aſſiſtants to them, are required to give notice to the ſeveral owners and occupiers of houſes, and edifices throughout this kingdom yearly by the third day of November, to deliver in ſuch accompts of their hearths, firing-places and ſtoves, as by the ſaid former act or this preſent act is directed; any thing in the aforeſaid act contained to the contrary notwithſtanding.

Said duty payable tenth January yearly.

Returns delivered by occupiers to conſtable or other officer before tenth November yearly.

Conſtables and aſſiſtants to give notice by third November.

XV. And whereas fires are often made in divers and ſeveral places in ſuch dwelling houſes as have no fixed hearth with chimnies over them, which may occaſion uncertainties in the returns to be made of all hearths and firing-places, wherein any omiſſion is penal by this act: for prevention whereof it is hereby declared and enacted, That from and after the twenty fourth day of March, which ſhall be in the year one thouſand ſix hundred ſixty and ſeven, all ſuch houſes ſhall be deemed and taken to have two hearths, and be chargeable with payment of the duty accordingly, until ſuch time as there ſhall

Houſes having no fixed hearth with chimnies, chargeable with two hearths.

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be one or more fixed hearth or hearths with a chimney or chimnies placed over the ſame in all and every dwelling houſe or houſes aforeſaid; any thing in the aforeſaid act or this preſent act contained to the contrary notwithſtanding.

Sir Henry Tichburn as a compenſation for his eminent ſervices and loſſes in the late rebellion, and for being deprived of the wardſhip of Nicholas Plunket, to have 2000l. out of ſaid duty payable in a year.

XVI. And whereas the great ſufferings of Sir Henry Tichburn, knight, by the late rebellion in this kingdom, which began on the three and twentieth day of October one thouſand ſix hundred forty and one, and the many and great ſervices which he performed to his Majeſties royal father of bleſſed memory, in the conduct of thoſe forces committed to his charge againſt the rebels, at the breaking out of the ſaid rebellion, and often afterwards during the continuance thereof, cannot be forgotten; which ſervices as they were performed with the often hazard of his life, ſo it is agreeable to honor and juſtice that an extraordinary mark of favour be placed upon him, both to deliver over to poſterity, the gracious ſenſe which his Majeſtie hath of his ſufferings and ſervices, and the grateful memory which this kingdom retains thereof: and whereas by the act for taking away the court of wards and livery in this kingdom the ſaid Sir Henry was thereby deprived of the benefit of the wardſhip of Nicholas Plunket of Dunſaghly eſq; which was given him by his late Majeſty towards a compenſation for his loſſes by and ſervices againſt the ſaid rebels, for which wardſhip he payed a conſiderable fine to his Majeſty, and underwent other expences concerning the ſame: be it therefore enacted by the authority aforeſaid, That the ſaid Sir Henry Tichburn, his executors and adminiſtrators, ſhall have and receive in ſatisfaction of his ſervices and loſſes aforeſaid, out of ſuch moneys as are or ſhall be payable or levied out of the hearths, firing-places, or ſtoves in this kingdom, the ſum of two thouſand pounds *ſterling*, to be paid within the ſpace of one year next enſuing; and his Majeſties vice-treaſurer or receiver general of this kingdom now being, or that hereafter for the time ſhall be, is and are hereby authorized and required, out of the ſaid moneys, to ſatisfie and pay to the ſaid Sir Henry Tichburn, his executors, adminiſtrators, or aſſigns, the ſaid two thouſand pounds accordingly; and for ſo doing this act ſhall be to his Majeſties ſaid vice-treaſurer and receiver general of this kingdom now being, and that hereafter for the time ſhall be, and to the commiſſioners of his or their accompts, ſufficient warrant and diſcharge in that behalf.

CHAP.

A. D. 1665.

CHAP. XIX.

7 *G.* 2. 3. *Retailers explained.*

An Act for the better ordering the ſelling of Wines and Aqua-Vitæ, *together with all Sorts of ſtrong Waters by Retaile.*

FOR the better ordering and ſelling of wines, *aqua-vitæ*, and all ſorts of ſtrong waters by retail in taverns and other places, and for preventing of abuſes therein: be it enacted by the King's moſt excellent Majeſtie, by and with the conſent of the lords ſpiritual and temporal and the commons in this preſent parliament aſſembled, and by the authority of the ſame, That no perſon or perſons whatſoever, from and after the twenty ninth day of September, in the year of our Lord one thouſand ſix hundred ſixty and ſix, unleſs he or they be licenced and enabled in manner and form as in this preſent act is preſcribed and appointed, ſhall ſell or utter by retail (that is to ſay, by the pint, quart, pottle, or gallon, or by any other greater or leſſer retail meaſure) any kind of wine or wines, *aqua-vitæ*, uſquebagh, brandy, balkan, or other diſtilled ſtrong waters whatſoever, to be drank or ſpent within his or their manſion houſe or houſes, or other place in his or their tenure or occupation, or without ſuch manſion houſe or houſes, or ſuch other place in his or their tenure or occupation, by any colour, craft, or means whatſoever, upon pain to forfeit for every ſuch offence the ſum of five pounds; the one moyetie of every ſuch penalty to be to our ſoveraign lord the King, his heirs and ſucceſſors; the other moyetie to him or them that will ſue for the ſame by action of debt, bill, plaint, or information in any of the king's courts of record, in which action or ſuite no eſſoigne, wager of law, or protection ſhall be allowed.

12 *C.* 2. 25. *Eng.*

None without licence ſhall ſell wine or diſtilled ſtrong waters by retail.

Penalty 5*l.* to the King and proſecutor.

II. And be it further enacted by the authority aforeſaid, That commiſſions ſhall from time to time be awarded, under his Majeſtie's great ſeal, into every county in this kingdom, to a convenient number of commiſſioners, to be nominated by the lord lieutenant, or other chief governour or governours of this kingdom, and council for the time being; the ſaid commiſſioners to be choſen out of the juſtices of the peace, with ſuch others to be added to them as the lord lieutenant, or other chief governour or governours, and council of this kingdom for the time being, ſhall think fit; which commiſſioners ſhall conſider of the ability and ſufficiency of the perſon and perſons that ſhall be licenſed to ſell or utter by retail, as aforeſaid, any kind of wine or wines, *aqua-vitæ*, uſquebagh, or ſtrong waters, brandy, balkan, or any other diſtilled ſtrong waters whatſoever: and the ſaid commiſ-

Altered by 11 *G.* 2. 3. 33 *G.* 2. 10.

Commiſſions under great ſeal to be awarded into every county by chief governors and council to juſtices, *&c.* their authority, to conſider abilities of perſons to be licenſed.

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ſioners, or any two or more of them, ſhall aſſemble at ſuch times, and at ſuch known place or places within the limits of their commiſſions, as they ſhall think fit, and then and there ſhall make choice of ſuch perſons, whom aſwell for their good behaviour, as for their abilities and conveniences of houſes, furniture, and places of dwelling, they ſhall know or be credibly informed to be the fitteſt to ſell wines, *aqua-vitæ*, and ſtrong waters as aforeſaid, taking alwayes ſpecial care that ſuch as they ſhall licenſe be perſons of good behaviour and report; and that the ſaid commiſſioners, or any two or more of them, ſhall licenſe ſuch perſons to ſell and utter by retail all or any kind of wine or wines, ſtrong waters, or any other the liquors diſtilled, or ſtrong waters whatſoever aforeſaid, to be drank and ſpent aſwell within the houſe or houſes, or other place in the tenure or occupation of the parties ſo licenſed as aforeſaid, as without, in any city, town, or other place within the kingdom of Ireland, for any term not exceeding three years from the twenty ninth of September next preceding the making of ſuch licenſe, and no longer: and that the ſaid commiſſioners by their ſaid commiſſions ſhall be eſpecially authoriſed to make the ſaid licences; and that every ſuch retailer of wine or wines whatſoever as aforeſaid ſhall pay to his Majeſtie's uſe ſuch ſum as ſhall be agreed to be paid for ſuch licence, ſo as none do pay leſs than the ſum of forty ſhillings yearly; and that none be compelled in the city and county of the city of Dublin to pay more than forty pounds yearly, and in all other cities, towns corporate, and other places, aſwell within as without franchiſes and liberties in this kingdom, more than twenty pounds yearly: and that every ſuch retailer of *aqua-vitæ*, uſquebagh, or ſtrong waters whatſoever, brandy, balkan, or any other diſtilled ſtrong waters whatſoever as aforeſaid, ſhall pay to his Majeſtie's uſe ſuch ſum as ſhall be agreed to be paid for ſuch licence, ſo as none do pay leſs than the ſum of ten ſhillings yearly; and none ſhall be compelled to pay more in the city and county of the city of Dublin than ten pounds yearly; and in all other cities, towns corporate, and other places, as well within as without franchiſes and liberties in this kingdom, than the ſum of five pounds yearly, by two ſeveral equal payments; the firſt thereof to be made, before the perſon ſo to be licenſed take out his licence, and the ſecond payment to be made at the end of ſix months after the date of ſuch licence, to the hands of collectors to be appointed in every county for that purpoſe, by the ſaid commiſſioners for ſuch county, or any three or more of them; of which collectors the commiſſioners to be appointed for granting the ſaid licences, or any two or more of them, are to take recognizances with good ſecurity, with condition for payment duly into

and to grant licences.

not exceeding three years from 29 September preceeding.

Sums to be paid for ſuch licence, by retailers of wines,

not leſs than 40s. yearly,

in Dublin not more than 40l.

in all other places not more than 20l.

by retailers of ſtrong waters not leſs than 10s. yearly,

in Dublin not more than 10l.

other places not more than 5l.

by two payments, to collectors appointed by the commiſſioners, who are to take ſecurity from collectors, and return forfeited recognizances into Exchequer,

into the receipt of his Majeſtie's exchequer all ſuch ſum and ſums of money, which in reſpect of the ſaid licences ſhall be received by him; which recognizances the ſaid commiſſioners, or any two or more of them, are by this act authorized to take accordingly; and if the ſame ſhall become forfeited, to return the ſame into his Majeſt's ſaid court of exchequer, and alſo to take bonds of the parties licenced, for the reſpective ſecond payments; and that the collectors aforeſaid ſhall attend every commiſſion and ſeſſion of the ſaid commiſſioners, aſwell to make licences and recognizances, and to enter the names of all ſuch as ſhall be licenſed into a fair book, as alſo to receive ſuch moneys as ſhall accrew out of the ſaid licences unto his Majeſty, and the ſeveral ſums thereof likewiſe to enter into the ſaid book; which book, at the end of every ſitting, ſhall be ſigned by the hands of two of the ſaid commiſſioners at leaſt, and ſhall be returned, together with ſuch moneys as ſhall be received into the exchequer, by the ſaid collectors (that is to ſay) the firſt payment of the ſaid moneys by the end of Michaelmas term, or thirty days after, and the ſecond payment by the end of Eaſter term, or thirty days after yearly; and the ſaid bonds to remain in the hands of the ſaid reſpective collectors, and not to be returned into the exchequer; but in caſe of failure of payment upon the days limited, and if the ſaid commiſſioners, or any of them, or the ſaid collectors, or any of them, ſhall conceal the name or names of any perſon or perſons ſo licenſed, or any ſum or ſums of money received for the ſame, or any of the ſaid recognizances of bonds, the parties ſo offending ſhall, for every ſuch offence, forfeit the ſum of twenty pounds *ſterling*.

and to take bonds from thoſe licenſed for ſecond payment.

Collectors to attend commiſſioners, and make entries in a book, to be returned ſigned by two commiſſioners, with money received into exchequer by two payments.

Said bonds to remain with collectors.

Penalty 20l. for concealing names of thoſe licenſed, ſums received, &c.

III. And it is further enacted by the authority aforeſaid, That the ſaid collectors reſpectively may alſo receive after the rate of two ſhillings for every year, which ſhall be compriſed in ſuch licence for ſelling of wines, and after the rate of twelve pence for every year, which ſhall be compriſed in ſuch licence for ſelling ſtrong waters as aforeſaid, and no more, over and above the ſeveral ſums that ſhall be agreed to be paid for the licences, by the reſpective perſons to whom the ſaid licences ſhall be ſo granted, to be diſtributed by the commiſſioners to their clerks and collectors aforeſaid, in ſuch manner and proportion as they ſhall think beſt for carrying on of the ſervice aforeſaid; and that the ſaid collectors ſhall neither directly nor indirectly exact or receive of any perſon to be licenſed as aforeſaid any ſum of money, fee or reward for the ſaid recognizance, licence, or acquittance, other than as aforeſaid, upon pain of forfeiting the ſum of ten pounds *ſterling*, and ſhall alſo be put from their office; and that none of the ſaid commiſſioners ſhall directly or indirectly take any ſum

Fees to collectors and clerks.

Penalty on collectors taking more, 10l. and forfeiture of offices,

on commiſſioners 40l.

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of money, fee, or reward of any of the ſaid retailers for or concerning the obtaining of licence as foreſaid, upon pain of forfeiting the ſum of forty pounds *ſterling*.

Penalty for retailing without licence 5l.

IV. And be it further enacted by the authority aforeſaid, That no perſon, after the ſaid twenty ninth day of September in the year of our Lord one thouſand ſix hundred ſixty and ſix, ſhall ſell any wine, *aqua-vitæ*, or other ſtrong waters as aforeſaid by retaile, without licence, to be granted in manner as aforeſaid; upon pain that every perſon offending herein ſhall, for every ſuch offence, forfeit the ſum of five pounds, to be recovered and diſtributed in manner and form as aforeſaid.

Penalty for mingling or abuſing wines, and ſelling the ſame in groſs 20l. for ſelling by retail 10l.

V. And it is hereby further enacted by the authority aforeſaid, That no merchant, vintner, cooper, or other perſon ſelling or retailing any wine, ſhall mingle or utter any Spaniſh wine mingled with any French wine, or Rheniſh wine, ſyder, perrey, honey, ſugar, ſyrups of ſugar, moloſſes, or any other ſyrups whatſoever; nor put in any iſinglaſs, brimſtone, lime, rayſons, juyce of raiſons, water, nor any other liquor nor ingredients, nor any clary or other herb, nor any ſort of fleſh whatſoever, nor any milk; and that no merchant, vintner, wine-cooper, or other perſon ſelling or retailing any wine, ſhall mingle or utter any French wines mingled with any Rheniſh wines, or Spaniſh wines, Syder, Perry, ſtum'd wine, vitriol, honey, ſugar, ſyrup of ſugar, moloſſes, or any ſyrup whatſoever, nor put in any iſinglaſs, brimſtone, lime, raiſons, juyce of raiſons, water, or any other liquor or ingredients, nor any clary or other herb, or any ſort of fleſh whatſoever, or milk; and that no merchant, vintner, wine-cooper, or other perſon whatſoever, ſelling or retailing any wine, ſhall mingle or utter any Rheniſh wines mingled with any French wines or Spaniſh wines, ſyder, perry, ſtum'd wines, vitriol, honey, ſugar, ſyrup of ſugar, moloſſes, or any other ſyrups whatſoever, nor put in any iſinglaſs, brimſtone, lime, raiſons, juice of raiſons, water, nor any other kind of liquor or ingredients, nor any clary or other herb, nor any ſort of fleſh whatſoever, or milk: and that all and every perſon and perſons committing any of the offences aforeſaid, ſhall incur the pains and penalties hereafter mentioned (that is to ſay) every merchant, wine-cooper, or other perſons ſelling any ſorts of wines in groſs, mingled or abuſed as aforeſaid, ſhall forfeit and loſe for every ſuch offence the ſum of twenty pounds *ſterling*; and that every vintner or other perſons ſelling any ſort of wine by retaile, mingled or abuſed as aforeſaid, ſhall forfeit and loſe for every ſuch offence, the ſum of ten pounds *ſterling*; of all which forfeitures aforeſaid, one moyety ſhall go unto the King's Majeſtie, his heirs and ſucceſſors, the other moyety to the informer:

half of forfeitures to the King, half to informer.

former: and all and every the forfeitures in this act before mentioned and contained, to be recovered in any court of record by action of debt, bill, plaint, or information, wherein no eſſoigne, protection, or wager of law ſhall be allowed. A. D. 1665.

VI. And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons whatſoever ſhall offend contrary to the intention of this act, or ſhall incur any forfeiture or penalty therein mentioned, that ſuch perſon or perſons ſo offending ſhall be proceeded againſt and puniſhed, either in his Majeſtie's court of exchequer, or before the juſtices of aſſize at the general aſſizes, or the juſtices of the peace at their quarter-ſeſſions, who by this act are authorized to enquire of all and every the offences againſt this act, and to hear and determine the ſame. Offenders proſecuted in exchequer, aſſizes, or quarter-ſeſſions.

CHAP. XX.

An Act for the Trial by Niſi Prius, *of Iſſues laid in the City of Dublin and County of Dublin.*

WHEREAS heretofore iſſues joyned in any of his Majeſties Four Courts at Dublin, tryable in the city of Dublin or county of Dublin, have been uſually tryed at the bars in the ſaid courts in Dublin: and whereas by the number of actions brought in the ſaid city and county, for ſpeedineſs of tryal for ſmall cauſes, the judges of the ſame courts may be letted and hindred in their proceedings in matters of great weight depending before them by demurrer or otherwiſe, not onely to the great delay of juſtice, and occaſion of great expences and charges of a number of the King's Majeſtie's moſt loving ſubjects, but alſo to the trouble and charge of the citizens and free-holders of the ſaid city and county, who are compelled to give daily attendance at the ſeveral bars of the ſame ſeveral courts, for the tryal of the ſaid iſſues: for reformation thereof, be it enacted by the King's moſt excellent Majeſtie, with the aſſent of the lords ſpiritual and temporal and the commons in this preſent parliament aſſembled, and by the authority of the ſame, That from henceforth the chief juſtice of the King's bench for the time being, upon iſſues joyned or to be joyned in the court of the King's bench, or in the court of chancery, the chief juſtice of the common pleas for the time being, upon iſſues joyned or to be joyned in the court of common pleas, and the chief baron of the exchequer for the time being, upon iſſues joyned or to be joyned in the court of exchequer, or in the abſence or default of any of them, one or more of the other judges

18 *Eliz.* 12. *Eng.* Trials at bar inconvenient from the number of actions, and the charge and trouble, enlarged by 21 & 22 *G.* 3. c. 18.

Iſſues joined in the Four Courts may be tried in term, or four days after, before reſpective chief juſtice or chief baron, as juſtices of *niſi prius*, by inqueſt of city or county of Dublin. *vid.* 8 *G.* 1. *C.*

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judges or barons of the ſame ſeveral courts where it ſhall happen either of the ſame chief juſtices, or the chief baron for the time being, to be abſent, ſhall or may at their diſcretions, within the place where the ſaid courts are or ſhall be commonly kept in the ſaid city or county of Dublin, as juſtices of *niſi prius* for the ſaid city and county of Dublin, within the term time, or within four dayes next after every or any term, ſeverally try all manner of iſſues, joyned or to be joyned in any of the ſaid ſeveral courts, which by the ordinary courſe of the laws of the realm ought to be tryed in any of the ſaid courts, by an inqueſt of the ſaid city or county of Dublin; and that commiſſions and writs of *niſi prius* ſhall be awarded in ſuch caſes, and in ſuch form, as they are or have been uſed in any other ſhire of this realm; and that it ſhall be lawfull for any perſon or perſons from henceforth, upon reaſonable warning given to the adverſe party, or his or their attourney, as hath been uſed in ſuch like caſes, to take and ſue forth writs and records of *niſi prius*, for the tryal of the ſaid iſſues, in the ſaid city and county of Dublin, as they may do upon any iſſue joyned tryable in any other county, and thereupon take jury in ſuch manner and forme, and with awarding of *tales de circumſtantibus*, and awarding the non-ſuit, as is uſed for the tryal of iſſues joyned, or non-ſuits to be awarded in the ſaid courts, or any of them, tryable within any other county within this realm of Ireland; and that the ſheriffs of the ſaid city of Dublin, and the ſheriff of the ſaid county of Dublin for the time being reſpectively, ſhall make return of all writs of *niſi prius*, which ſhall be delivered to them, or their or any of their ſufficient deputy for the time being, before the ſaid judges, baron or barons, and every of them, and ſhall give their attendance upon the ſaid juſtices, baron and barons, as well for the returning of ſuch *tales* as ſhall be prayed *de circumſtantibus*, for the trying of the ſaid iſſues, as for the doing and executing of every thing and things to the office of ſheriff in ſuch caſe belonging or appertaining; and that all perſons to be impannelled in ſuch juries, and the parties to the ſame iſſues and ſuits, and the witneſſes for the ſame, ſhall be charged and bound in ſuch and the like ſort, and upon like pains and penalties, for their not appearance and attendance, or for their or any of their miſdemeanours or default before the ſaid juſtices of *niſi prius*; as they ſhould have been, if the ſame iſſue had been tryed in the court from whence the *niſi prius* was awarded: all which ſeveral tryals, ſo to be had before the ſaid ſeveral juſtices, baron or barons, ſhall, by authority of this preſent parliament ſtand and be as good and available in law, as if the ſame had been tryed in the term-time at the bar in the court where ſuch iſſue was joyned or tryable;

Notice of trial, *tales*, &c. as in other counties.

Sheriff to make returns and attend.

Jurors, parties, and witneſſes to be charged and bound, as if tried in the court from whence *niſi prius* awarded.

any law, uſage, or cuſtom heretofore made, uſed or accuſtomed, to the contrary hereof in any wiſe notwithſtanding. A. D. 1665.

CHAP. XXI.

An additional Act to the Act intituled, An Act for the Cleanſing the Water-Courſe in St. Patrick-ſtreet.

WHEREAS the cathedral church of St. Patrick's Dublin is of the foundation of his Majeſtie's royal progenitors, and ſtandeth in a low valley, ſubject to the inundation of ſudden floods, which fall from the mountains near adjacent unto the water-courſe there, called the Poddell, which runs on either ſide of St. Patrick's-ſtreet, and breeds ſuch annoyance, as not only moſt of the dwellings of the inhabitants thereabouts are ſuddenly overflowed thereby, but that ancient noble fabrick is in great hazard to be totally ruined, if ſome ſpeedy and effectual courſe be not taken to prevent the ſame: and whereas ſome proviſion heretofore made in the reign of his Majeſtie's royal anceſtor king Henry the ſecond for removing that nuiſance, by keeping the ſaid current clean, and the water-paſſage large and open, but by the licentiouſneſs of the late times many ſtoppages have been made, by the inhabitants caſting of the rubbiſh into the very ſtreams which run under the houſes, and alſo by tanners making damms and dikes there to water their ſkins, and laying foundations of floors and buildings in the midſt of the very water-courſe: for remedy whereof, and to the intent the ſaid ſtoppages and other nuiſances may be removed, and the like miſchiefs, if poſſible, prevented for the time to come, may it pleaſe your Majeſtie that it may be enacted, and be it enacted by the King's moſt excellent Majeſtie, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent parliament aſſembled, and by the authority of the ſame, That the mayor of the city of Dublin for the time being, the archbiſhop of Dublin for the time being, Edward earl of Meath, the lord chief juſtice of his Majeſtie's court of chief place in Ireland for the time being, the chief juſtice of the common pleas for the time being, the chief baron of his Majeſtie's court of exchequer for the time being, his Majeſtie's principal ſecretary of ſtate for the time being, his Majeſtie's attorney and ſolicitor general for the time being, the dean of the cathedral church of the holy Trinity Dublin for the time being, the dean of the cathedral church of St. Patrick's Dublin for the time being, and the recorder of the city of Dublin for the time being, they, or any five or more of them (whereof the lord archbiſhop

Commiſſioners appointed to preſerve St. Patrick's church from ruin by inundations from the Poddel,

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of Dublin for the time being to be alwayes one) ſhall be and are hereby appointed commiſſioners for preſerving the ſaid cathedral from ruine or decay, by means of the ſaid nuiſance and inundation; and ſhall have full power and authority by virtue of this act, and are hereby authorized from time to time, to meet together at ſuch dayes and times, in ſuch place and places, as they ſhall think convenient, and by the oaths of good and lawful men, or by any other lawful wayes and means, to inquire of the cauſes of the ſaid nuiſance and over-flowing of the waters, or by whom or by what means the ſame is or ſhall be occaſioned, and adviſe how and in what manner the ſame may be remedied and prevented; and ſhall alſo have power and authority to examine upon oath all ſuch perſons, as ſhall be produced before them to give information touching the ſtoppages and overflowing of the ſaid water-courſe, be the ſame within the county of Dublin, or within the county of the city of Dublin, or within any liberties.

with power to meet, inquire into nuiſances by ſtopping the water courſe, and to examine on oath,

II. Be it further enacted by the authority aforeſaid, That if upon ſuch inquiry or examination, taken as aforeſaid, it ſhall appear to the ſaid commiſſioners, or any five or more of them, as aforeſaid, that the ſaid nuiſance is or ſhall be occaſioned in part or in whole by any inhabitant dwelling upon or near to the ſaid water-courſe, or any other perſon or perſons, under whom ſuch inhabitant claims any intereſt there; that then and in ſuch caſe, upon conviction of ſuch perſon or perſons of ſuch nuiſance, by the teſtimony of two credible witneſſes upon oath (which oath the ſaid commiſſioners, or any five or more of them, as aforeſaid, are hereby authorized to adminiſter) or by confeſſion of the party, or notorious evidence of the fact, it ſhall and may be lawful to and for the ſaid commiſſioners, or any five or more of them as aforeſaid, to make a record of ſuch offence or offences, under their hands and ſeals reſpectively, or the hands or ſeals of any five or more of them, as aforeſaid; which record, ſo made as aforeſaid, ſhall remain in the cuſtody of the mayor of the city of Dublin, and his ſucceſſors, and ſhall, to all intents and purpoſes, be in law taken and adjudged a full and perfect conviction of every ſuch offender for ſuch offence; and thereupon the ſaid commiſſioners, or any five or more of them as aforeſaid, ſhall iſſue a precept in writing under their hands and ſeals, or the hands and ſeals of any five or more of them as aforeſaid, to require ſuch perſon or perſons ſo convict to cauſe the ſaid nuiſance to be removed at his own coſt and charges, within ſuch reaſonable time as they ſhall think fit to appoint for that work; and in caſe ſuch offender convict as aforeſaid ſhall neglect or refuſe to remove the ſaid nuiſance according to the time

and to make a record of ſuch offence, to remain with the mayor, which ſhall be taken as a full conviction,

and order nuiſances to be removed in time,

time appointed, that then it ſhall and may be lawful for the ſaid commiſſioners, or any five or more of them as aforeſaid, to impoſe a fine upon ſuch perſon or perſons ſo convict, and neglecting or refuſing to remove ſuch nuiſance within the time limited, not exceeding five pounds, and to commit ſuch offender and offenders to the next goal, there to remain without bail or mainpriſe, until he and they, at his and their own proper coſt and charges, ſhall fully remove ſuch nuiſance, according to the purport of the ſaid precept iſſued by the ſaid commiſſioners, or any five or more of them as aforeſaid. A. D. 1665. Chap. 21.

and for neglect impoſe a fine, not above 5l. and commit offender.

III. Be it further enacted by the authority aforeſaid, That if any ſuch offender ſo convicted as aforeſaid ſhall at any time again commit the like offence contrary to the act, and be therefore convicted in manner as aforeſaid, then every ſuch offender, ſo convict of ſuch ſecond offence, ſhall be impriſoned, by warrant from the ſaid commiſſioners, or any five or more of them as aforeſaid, until he have, at his own proper coſts and charges, removed ſuch nuiſance, and paid down unto ſuch perſon or perſons as the ſaid commiſſioners or any five or more of them as aforeſaid, ſhall appoint, ſuch ſum of money, not exceeding ten pounds, as the ſaid commiſſioners (who are thereunto authorized by this act) ſhall fine ſuch offender at for his or their ſecond offence.

For ſecond offence, a fine not above 10l. and commitment;

IV. And be it further enacted by the authority aforeſaid, That if any ſuch offender, ſo convict of a ſecond offence in manner as aforeſaid, ſhall at any time again commit the like offence contrary to this act, that then and in ſuch caſe, as often as ſuch perſon ſhall after ſuch ſecond conviction commit any offence contrary to this act, and be thereof convict in manner as aforeſaid, it ſhall and may be lawful for the ſaid commiſſioners, or any five or more of them as aforeſaid, to commit ſuch perſon or perſons to priſon, there to remain without bail or mainpriſe, until ſuch perſon or perſons ſhall at his and their own proper coſts and charges have removed ſuch nuiſance, and paid in manner aforeſaid ſuch ſum of money (not exceeding ten pounds) as the ſaid commiſſioners or any five or more of them as aforeſaid (who are hereunto authorized by this act) ſhall fine ſuch offender at for his ſeveral offences reſpectively, ſo often as he ſhall commit the ſame, after ſuch ſecond conviction contrary to this act.

ſo for further offences.

V. And the ſaid commiſſioners, or any five or more of them as aforeſaid have hereby full power and authoritie to order and direct the making of any new grafts, vaults or ſellers, or to cut into any dreyne or ſeller already made, or the altering, inlarging, amending, cleanſing or ſcouring of any old vaults, ſincks or common ſellers, for the making, amending or altering of any new or old pavements, or taking away of croſs gutters or chan-

Said commiſſioners may order new vaults or cellars, or cut into the old, and remove all kind of nuiſances or incroachments: but for ſuch

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nels, and for the removing of all kind of nuiſances, or any encroachments by ſheds, ſtalls, bulks, ſtumps, poſts or walls, beyond the old foundations into the ſtreets, in ſuch places which ſhall be adjudged convenient, and to hinder the paſſage; provided that ſuch encroachments as the aforementioned, which are nuiſances that have continued above thirty years laſt paſt, ſhall not be removed, nor any new grafts or ſellers cut or made, until reaſonable ſatisfaction ſhall be given by the ſaid commiſſioners to the party or parties that ſhall ſuffer thereby: and if any perſon or perſons ſhall own the ſaid encroachments, or ſhall not accept of ſuch reaſonable ſatisfaction, as ſhall be tendered or offered by the ſaid commiſſioners, or any five or more of them as aforeſaid, for the pulling down or removing ſuch nuiſances or encroachments as have been continued before the time aforeſaid, and making or cutting new grafts, vaults or ſellers, that then, and in ſuch caſe of refuſal, the lord chancellor of Ireland for the time being, upon a petition preferred to him by the party grieved, ſhall have power, and is required by this act to adjudge what ſatisfaction ſhall be fit for the ſaid perſon or perſons to receive, for the removing or pulling down any ſuch nuiſances or encroachments, or making or cutting any new grafts, vaults or ſellers as aforeſaid.

as have continued above 30 years, ſatisfaction to be made to the parties,

who, if ſatisfaction not adequate, may prefer petition to lord chancellor.

VI. And be it further enacted by the authority aforeſaid, That all ſuch fines as ſhall be impoſed by the ſaid commiſſioners, or any five or more of them as aforeſaid, upon any perſon or perſons for any offence committed contrary to this act, ſhall be levied by warrant under the hands and ſeals of the ſaid commiſſioners, or any five or more of them as aforeſaid, directed unto the conſtable or conſtables of the pariſh where ſuch offendor or offendors do live, (which warrant the ſaid commiſſioners, or any five or more of them as aforeſaid are hereby authorized to iſſue): and the ſaid conſtable or conſtables of ſuch pariſh or pariſhes reſpectively are hereby authorized and required, upon receipt of ſuch warrant, to go unto the perſon or perſons ſo fined, and demand payment of ſuch fine, and in caſe of neglect or refuſal thereof, to diſtrain for the ſame; and ſuch diſtreſſes ſo taken to ſell, paying the overplus, if any ſhall remain over and above ſuch fine, back again unto the perſon or perſons ſo diſtrained; and the ſaid conſtable and conſtables are to pay all ſuch moneys as ſhall be received, or levied by way of diſtreſs, into the hands of ſuch perſon or perſons as by the ſaid commiſſioners, or any five or more of them as aforeſaid, ſhall be appointed, who are hereby authorized to receive the ſame, and diſpoſe thereof from time to time for the removing of the ſaid nuiſances, and preſerving the ſaid cathedral from inundations, in ſuch manner as

Said fines to be levied by warrant under ſeal of commiſſioners to the conſtables;

who upon refuſal may diſtrain and ſell,

and diſpoſe of the money towards removing ſaid nuiſances, and preſerving the cathedral from inundations, as commiſſioners direct.

the ſaid commiſſioners, or any five or more of them as aforeſaid, ſhall by warrant under their hands direct and appoint.

Conſtables neglecting to be impriſoned, not above ſix months, and fined not above 5l.

VII. And be it further enacted by the authority aforeſaid, That if any conſtable or conſtables ſhall neglect or refuſe to execute any warrant or warrants made unto them for diſtraining and ſelling the goods and chattels of any offendor againſt this act, or levying ſuch ſums of moneys as ſhall be impoſed by the ſaid commiſſioners, or any five or more of them as aforeſaid, ſuch conſtable and conſtables ſo offending ſhall incur the penalty of impriſonment for any time not exceeding ſix months, and ſhall pay ſuch fine as the ſaid commiſſioners, or any five or more of them as aforeſaid, ſhall think fit to impoſe (not exceeding five pounds) which the ſaid commiſſioners, or any five or more of them as aforeſaid, are hereby authorized to impoſe and levy in manner as aforeſaid, as they ſhall ſee cauſe; and may alſo by warrant under their hands and ſeals, commit ſuch offendor and offendors to the next goal, in caſes of neglect or refuſal to execute his duty according to the tenor of this act; and the ſaid goaler is hereby required to receive all offendors againſt this act ſo ſent to him by the ſaid commiſſioners, or any five or more of them as aforeſaid, and to detain him or them in ſafe cuſtody according to the ſaid warrant, upon penalty of five pounds, to be levied as aforeſaid.

Goalers to receive and detain offenders on pain of 5l.

Commiſſioners upon inquiry and due conſideration may, if neceſſary, tax the dean and prebends, inhabitants of St. Patrick's-ſtreet, &c. and all within danger of inundation, to make a new current, or cleanſe the old.

VIII. And be it further enacted by the authority aforeſaid, That in caſe the ſaid commiſſioners, or any five or more of them as aforeſaid, upon enquiry and due conſideration had of what are the cauſes of the ſaid nuiſance and inundation, and how and by what means the ſame may be remedied, whether by diverting the water-courſe, or turning the ſtreams ſome other way (whereby the fabrick of the ſaid cathedral church may be preſerved from ruine, and the dwellings of the neighbouring inhabitants from being ſo frequently overflown) ſhall find that the ſame cannot be well effected without ſome conſiderable expence of moneys, that then and in ſuch caſe, it ſhall and may be lawful to and for the ſaid commiſſioners, or any five or more of them as aforeſaid, (and the ſaid commiſſioners, or any five or more of them as aforeſaid, ſhall be and are hereby authorized at any time hereafter, when and as often as the ſaid commiſſioners, or any five or more of them as aforeſaid, ſhall find it neceſſary) to lay ſuch tax or aſſeſſment upon the dean, dignitaries and prebends of the ſaid cathedral church of St. Patrick Dublin, and the ſeveral inhabitants of St. Patrick's-ſtreet, and in the cloſe of the ſaid cathedral, and on all perſons that live within the liberties of St. Sepulchre's and Donore, or within the level and danger of the ſaid inundation, as they ſhall conceive may be

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ſufficient to defray the charges of making a new graft or current, or ſcowring or cleanſing the old grafts or currents, for preventing the ſaid inundation and confluence of waters to the overflowing of thoſe parts.

No perſon to be taxed above 5l. in one year.

IX. Provided that no perſon or perſons be rated or aſſeſſed in any one year towards the ſaid tax above the ſum of five pounds *ſterling*; and the ſaid commiſſioners, or any five or more of them as aforeſaid, are hereby authorized, by precept under their hands and ſeals, or the hands and ſeals of any five or more as aforeſaid, to cauſe the ſaid moneys to be equally rated,

to be equally aſſeſſed, and levied by diſtreſs and ſale.

aſſeſſed and taxed upon the ſeveral pariſhioners and inhabitants of the places aforeſaid, and the ſame to be levied and collected by way of diſtreſs and ſale of the offendor's goods, in manner as is herein formerly mentioned, and to pay all ſuch moneys as ſhall be ſo taxed and levied into the hands of ſuch perſon or perſons as by the ſaid commiſſioners, or any five or more of them as aforeſaid, ſhall be appointed, who is to iſſue forth the ſame from time to time, as the ſaid commiſſioners, or any five or more of them as aforeſaid, ſhall think fit; and if any perſon or perſons be at any time ſued for putting in execution any of the

Perſons ſued for putting in execution this act may plead the general iſſue, and recover treble coſts.

powers contained in this act, ſuch perſon and perſons ſhall and may plead the general iſſue, and give the ſpecial matter in evidence; and if the plaintiff be non-ſuit, or a verdict paſs for the defendant thereupon, or if the plaintiff diſcontinue his action, or if, upon demurrer, judgment be given for the defendant, every ſuch defendant ſhall have his and their treble coſts; and the ſaid commiſſioners, or any five or more of them as aforeſaid, are hereby authorized to appoint a treaſurer, or collector and clerk to attend them, with ſuch moderate allowances as ſhall be fit, not exceeding five ſhillings for each day the commiſſioners ſhall meet and ſit on the matter aforeſaid.

Commiſſioners may appoint a treaſurer and clerk, with allowance, not above 5s. *per* day.

CHAP. XXII.

Private. *An Act for the Naturalization of Maria Euphemia Dungan, Walter Dungan, eſq; Urſula Dungan, Judith Cox,* alias *Keating, and Charlotte Lane, daughter to Sir George Lane, knight.*

CHAP. XXIII.

Private. *An Act for the Settling the Abbey of St. John's, in or near Athy, upon Dame Mary Merideth, and her Heirs for ever.*

The

The Reſolution of the Doubts, by the Lord Lieutenant and Council, upon the Act of Settlement, and Explanation thereof.

By the Lord Lieutenant and Council.

ORMONDE.

WHEREAS his Majeſties commiſſioners for putting in execution the act, intituled, *An act for the better execution of his Majeſties gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there*; and one other act, intituled, *An act for the explaining of ſome doubts ariſing upon an act*, intituled, *An act for the better execution of his Majeſties gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there, and for making ſome alterations of and additions unto the ſaid act for the more ſpeedy and effectual ſettlement of the ſaid kingdom*, have the ſecond day of April one thouſand ſix hundred ſixty and ſix, preſented unto us, the lord lieutenant and council, a writing under their hands and ſeals, which followeth in theſe words:

To his grace James duke of Ormond, lord lieutenant general and general governour of Ireland; and to the right honourable the lords of his Majeſties privy council there;

The humble addreſs of his Majeſties commiſſioners for putting in execution the act, intituled, *An act for the better execution of his Majeſties gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his Majeſties ſubjects there*; and one other act intituled, *An act for the explaining of ſome doubts ariſing upon an act*, intituled, *An act for the better execution of his Majeſties gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there, and for making ſome alterations of and additions unto the ſaid act for the more ſpeedy and effectual ſettlement of the ſaid kingdom.*

WHEREAS in the ſaid act, intituled, *An act for the explaining of ſome doubts ariſing upon an act*, intituled, *An act for the better execution of his Majeſties gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the*

ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there, and for making ſome alterations of, and additions unto the ſaid act, for the more ſpeedy and effectual ſettlement of the ſaid kingdom, p. 868. it is enacted in theſe wotds; " And that in all caſes which ſhall happen before the commiſſioners within the ſpace of two years next after their firſt ſitting, wherein the conſtruction of this or the ſaid former act ſhall appear doubtfull to them, or that the act itſelf ſhall be found defective in ſome points neceſſary for the carrying on of the intended final ſettlement, and not clearly enough determined and provided for by this act, the commiſſioners, or any three or more of them, ſhall and may, by writing under their hands and ſeals, acquaint the lord lieutenant, or other chief governour or governours of Ireland, and council there for the time being, with there proceedings and doubts ariſing thereupon, and the defects appearing in this preſent act, and ſuch order of amendment, inlargement of periods, explanation or direction as ſhall be thereupon made by the lord lieutenant, or other chief governour or governours and council, by act of council in writing, for the better and more eaſie execution of this act, and for promoting the ends thereof onely, ſhall be as binding to the commiſſioners, and all other perſons, and effectual, as if the ſame had been part of this preſent act, ſo always that the ſaid act and acts of council be made within the ſaid two years, and inrolled in the high court of Chancery." We his Majeſties ſaid commiſſioners do humbly acquaint your grace and the council with theſe following doubts ariſing upon ſeveral caſes happening before us, in which the conſtruction of the ſaid act doth appear doubtful unto us.

Recital of a clauſe in act of explanation, ſec. 159.

Doubts on conſtruction of ſaid act, propoſed by the commiſſioners,

Firſt.

Firſt, Whether all honors, mannors, caſtles, houſes, places, lands, tenements and hereditaments, right, title, ſervice, chiefry, uſe, truſt, condition, fee, rent-charge, chattels real, mortgage, right of redemption of any mortgages, recognizances, judgements, forfeitures, extent, right of action, right of entry, ſtatute, or any other eſtate of what nature or kinde ſoever, in all and every the counties, baronies, cities, townes corporate and walled townes within this kingdom, which did, on the three-and-twentieth day of October one thouſand ſix hundred forty and one, or at any time ſince, belong to any Iriſh papiſt, Popiſh recuſant, or Roman catholick, or which have been returned by the civil ſurvey, or Down ſurvey, or either of them, as belonging to any Iriſh papiſt, Popiſh recuſant, or Roman catholick, and what at any time from and after the ſaid three-and-twentieth day of October one thouſand ſix hundred forty and one, were ſeized or ſequeſtred into the hands, or to the uſe of his late Majeſtie King Charles the firſt, or of his Majeſtie that now is, which were allotted, aſſigned, given, granted,

granted, ordered, diſtributed, diſpoſed, demiſed, ſet out, or ſet apart to or for any perſon or perſons uſe or uſes, for adventures, arrears, reprizals, or otherwiſe, or whereof his late Majeſtie, or his Majeſtie that now is, or any adventurer, ſouldier, reprizable perſon or others reſpectively, had and received the rents, iſſues and profits, or whereof the adventurers, officers, ſouldiers now or formerly of the Engliſh army in this kingdom, or tranſplanted or tranſplantable perſons, or any of them, or their or any of their heir, heirs or aſſigns, were in ſeiſin, poſſeſſion or occupation by themſelves, their tenants, agents or aſſigns, on the ſeventh day of May one thouſand ſix hundred fifty and nine, or which were aſſigned, given, granted, laid out, ſet apart or reſerved for or towards the ſatisfaction of any the ſaid adventurers, ſouldiers or other perſons for or in conſideration of any money or proviſions advanced, lent or furniſhed, or for arrears of pay, or in compenſation of any ſervice, or reputed ſervices, or other accompt whatſoever, or reſerved or mentioned to be reſerved for or in order to a reprizal or reprizals for ſuch incumbrances as then were, now are, or ſhall be adjudged due to any perſon or perſons, out of the ſaid lands, tenements or hereditaments, or for any other uſe, intent or purpoſe whatſoever, or whereof any *cuſtodiam*, leaſe for year or years, or other diſpoſition or grant whatſoever hath been made, excepting ſuch lands, tenements and hereditaments, rights, titles and intereſts, as did on the ſaid twenty-third day of October one thouſand ſix hundred forty and one, rightfully belong unto ſuch perſons as by his Majeſties late commiſſioners for executing the ſaid act, intituled, *An act for the better execution of his Majeſties gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there*, have been already adjudged innocent, and excepting ſuch lands, tenements and hereditaments, rights, titles and intereſts, as have been by his Majeſties ſaid late commiſſioners reſtored or decreed to any perſon or perſons by virtue of and purſuant to any particular clauſe or proviſo in the ſaid act contained, for ſo much of the ſaid lands, tenements and hereditaments, as in their reſpective clauſes or proviſoes is mentioned, contained or comprehended, and excepting any judgement or decree, which hath been obtained by any proteſtant or proteſtants in the late court for adjudication of claims, or in the court of Exchequer, or any the four courts ſitting at Dublin, before the twenty-ſecond day of Auguſt one thouſand ſix hundred ſixty and three, ſhall not, at all times hereafter, in the four courts ſitting at Dublin, and in all courts of juſtice, and in all tryals, actions and ſuits, both in law and equity, as well between his Majeſtie and any of his ſubjects, as between party and party, without any further proof, be

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alwayes taken, deemed, conſtrued and adjudged to have been ſeized, ſequeſtred, allotted, aſſigned, given, granted, ordered, diſtributed, demiſed, ſet out, ſet apart, poſſeſſed, reſerved, granted, in *cuſtodiam*, leaſed and diſpoſed by reaſon of and upon account of the late horrid rebellion or war, which began or broke out in this kingdom upon the twenty-third day of October one thouſand ſix hundred forty and one, and to have been and to be by the aforeſaid ſeveral acts, as from the ſaid twenty-third day of October one thouſand ſix hundred forty and one, forfeited to his Majeſties royal Father of ever-bleſſed memory, and to his Majeſtie that now is, his heirs and ſucceſſors, and well and firmly by the ſaid ſeveral acts veſted in his Majeſtie, his heirs and ſucceſſors, without any office or inquiſition thereof found, or to be found, to the intents, uſes and purpoſes in and by the ſaid ſeveral acts limited, declared and appointed.

Secondly. *Secondly*, Whether after the commiſſioners appointed, or to be appointed, by his Majeſtie for executing the ſaid ſeveral acts, ſhall have adjudged any of the ſaid lands, tenements or hereditaments, rights, titles or intereſts by the ſaid acts declared to be forfeited and veſted in his Majeſtie, unto any perſon or perſons who by the ſaid acts are intituled thereunto, and ſhall have granted their certificate accordingly, and letters patents ſhall be thereupon paſſed, as by the ſaid acts is directed and appointed, the rights, titles and intereſts of all perſons whatſoever, who have not by the ſaid late commiſſioners for executing the ſaid act, intituled, *An act for the better execution of his Majeſties gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there*, been already adjudged innocent, as well ſuch as are or were proteſtants as papiſts, are or ſhall be thereby concluded, barred, and determined, other than ſuch rights, titles and intereſts, which ſhall be in the ſaid letters patents particularly mentioned and reſerved, and other than ſuch rights, titles and intereſts, as are the proper act of the party to whom ſuch letters patents ſhall be ſo granted, or of thoſe under whom he claims as heir, executor or adminiſtrator, and other than ſuch debts, leaſes and payments whereunto the ſame are by the ſaid acts made lyable, and whether the ſaid lands, tenements and hereditaments, rights, titles and intereſts in the ſaid letters patents mentioned and contained, are or ſhall be by the ſaid acts confirmed to the ſeveral perſons therein named, according to ſuch ſeveral and reſpective eſtates as ſhall be therein limited and appointed againſt the King's Majeſtie, his heirs and ſucceſſors, and all perſons claiming by, from, or under him or them, and againſt all other perſons, bodies politick and corporate whatſoever.

Thirdly, Whether all adventurers and ſouldiers, their heirs and aſſigns, ſhall have, hold and enjoy an eſtate of inheritance in fee-ſimple in ſuch of the ſaid lands, tenements and hereditaments by the ſaid acts declared to be forfeited to and veſted in his Majeſtie, as ſhall by the commiſſioners appointed, or to be appointed for executing the ſaid acts, be certified to belong and be due unto them, unleſs ſome other and leſſer eſtate ſhall, by the certificate of the ſaid commiſſioners, be expreſly and diſtinctly limited and appointed, and in caſe any ſuch other or leſſer eſtate ſhall be ſo limited or appointed in ſuch certificate, then whether ſuch adventurer and ſouldier to whom ſuch certificate for ſuch leſſer eſtate ſhall be ſo granted, ſhall have ſuch compenſation and allowance out of other forfeited lands, as ſhall make up his two third parts, by the ſaid acts intended to him, equal in worth and value to others who ſhall have eſtates of inheritance in fee-ſimple certified and granted unto them. Third.

And we the ſaid commiſſioners do humbly pray your grace and the council, to take the premiſſes into your conſideration, and to give therein ſuch judgement, order, explanation, and direction as you ſhall think meet, that we may be the better enabled to proceed in the execution of the ſaid acts, and in the carrying on the intended final ſettlement of adventurers and ſouldiers, and other his Majeſtie's ſubjects in this kingdom.

Dated at the King's Inns Dublin, the Thirteenth day of February 1665.

Edw. Smith. Edward Dering. A. Brodrick.
W. Churchill. Edward Cook.

WE the lord lieutenant and council, having duly conſidered of the ſaid doubts in the ſaid writing contained, do by this our act of council, for the better and more eaſie execution of the ſaid act, intituled, *An Act for the better execution of his Majeſtie's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there, and for making ſome alterations of and additions unto the ſaid act*, and for promoting the ends thereof, order and declare;

That all honors, mannors, caſtles, houſes, places, lands, tenements and hereditaments, right, title, ſervice, chiefry, uſe, truſt, First.

truſt condition, fee, rent-charge, chattels real, mortgage, right of redemption of any mortgages, recognizances, judgments, forfeitures, extent, right of action, right of entry, ſtatute, or any other eſtate of what nature or kinde ſoever, in all and every the counties, baronies, cities, towns corporate, and walled towns within this kingdom, which did on the twenty third of October one thouſand ſix hundred forty and one, or at any time ſince, belong to any Iriſh papiſt, popiſh recuſant, or Roman catholick, or which have been returned by the civil ſurvey, or Down ſurvey, or either of them, as belonging to any Iriſh papiſt, popiſh recuſant, or Roman catholick, and which at any time from and after the ſaid twenty third day of October one thouſand ſix hundred forty and one were ſeized or ſequeſtred into the hands, or to the uſe of his late Majeſty king Charles the firſt, or of his moſt gracious Majeſty that now is, or which were allotted, aſſigned, given, granted, ordered, diſtributed, diſpoſed, demiſed, ſet out, or ſet apart to or for any perſon or perſons uſe or uſes, for adventures arrears, reprizals, or otherwiſe, or whereof his late Majeſty, or his Majeſty that now is, or any adventurer, ſouldier, reprizable perſon, or others, reſpectively had and received the rents, iſſues and profits, or whereof the adventurers, officers, or ſouldiers, now or formerly of the Engliſh army in this kingdom, or tranſplanted or tranſplantable perſons, or any of them, or their or any of their heir, heirs, or aſſigns, were in ſeiſin, poſſeſſion or occupation by themſelves, their tenants, agents, or aſſigns, on the ſeventh day of May one thouſand ſix hundred fifty and nine, or which were aſſigned, given, granted, laid out, ſet apart or reſerved for or towards the ſatisfaction of any the ſaid adventurers, ſouldiers, or other perſons, for or in conſideration of any money or proviſions advanced, lent or furniſhed, or for arrears of pay, or in compenſation of any ſervice, or reputed ſervices, or other accompt whatſoever, or reſerved, or mentioned to be reſerved for or in order to a reprizal or reprizals for ſuch incumbrances as then were, now are, or ſhall be adjudged due to any perſon or perſons out of the ſaid lands, tenements, or hereditaments, or for any other uſe, intent or purpoſe whatſoever, or whereof any *cuſtodiam*, leaſe for year or years, or other diſpoſition or grant whatſoever hath been made, excepting ſuch lands, tenements and hereditaments, rights, titles, and intereſts, as did on the ſaid twenty third day of October one thouſand ſix hundred forty and one, righfully belong unto ſuch perſons, as by his Majeſtie's late commiſſioners for executing the ſaid act, intituled, *An Act for the better execution of his Majeſtie's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers,*

ſouldiers, and other his ſubjects there, have been already adjudged innocent, and excepting ſuch lands, tenements and hereditaments, rights, titles and intereſts, as have been by his Majeſtie's ſaid late commiſſioners reſtored or decreed to any perſon or perſons by virtue of, and purſuant to any particular clauſe or proviſo in the ſaid act contained, for ſo much of the ſaid lands, tenements and hereditaments, as in their ſaid reſpective clauſes or proviſoes is mentioned, contained or comprehended, and excepting any judgment or decree which hath been obtained by any proteſtant or proteſtants in the late court, or pretended court for adjudication of claims, or in the court of Exchequer, or any the four courts ſitting at Dublin, before the twenty ſecond day of Auguſt one thouſand ſix hundred ſixty and three, ſhall at all times hereafter in the Four-courts ſitting at Dublin, and in all courts of juſtice, and in all tryals, actions and ſuits, both in law and equity, as well between his Majeſty and any of his ſubjects, as between party and party, without any further proof, be always taken, deemed, conſtrued, and adjudged to have been ſeized, ſequeſtred, allotted, aſſigned, given, granted, ordered, diſtributed, demiſed, ſet out, ſet apart, poſſeſſed, reſerved, granted in *cuſtodiam*, leaſed, and diſpoſed by reaſon of and upon accompt of the late horrid rebellion or war, which began or broke out in this kingdom upon the twenty third day of October one thouſand ſix hundred forty and one, and to have been, and to be by the aforeſaid ſeveral acts, as from the ſaid twenty third day of October one thouſand ſix hundred forty and one, forfeited to his Majeſtie's royal father of ever bleſſed memory, and to his Majeſtie that now is, his heirs and ſucceſſors, and well and firmly by the ſaid ſeveral acts veſted in his Majeſty, his heirs and ſucceſſors, without any office or inquiſition thereof found, or to be found, to the intents, uſes and purpoſes in and by the ſaid ſeveral acts limited, declared, and appointed.

Second.

And we do hereby further order and declare, that after the commiſſioners appointed, or to be appointed by his Majeſtie for executing the ſaid ſeveral acts, ſhall have adjudged any of the ſaid lands, tenements or hereditaments, rights, titles, or intereſts, by the ſaid acts or by virtue thereof declared to be forfeited to and veſted in his Majeſtie, unto any perſon or perſons who by the ſaid acts are intituled thereunto, and ſhall have granted their certificate accordingly, and letters patents ſhall be thereupon paſſed, as by the ſaid acts is directed and appointed, the rights, titles and intereſts of all perſons whatſoever, who have not by the ſaid late commiſſioners for executing the ſaid act, intituled, *An Act for the better execution of his Majeſtie's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral*

intereſts of adventurers, ſouldiers, and other his ſubjects there, been already adjudged innocent, as well ſuch as are or were proteſtants as papiſts, are and ſhall be thereby concluded, barred and determined, other than ſuch rights, titles and intereſts which ſhall be in the ſaid letters patents particularly mentioned and reſerved, and other than ſuch rights, titles and intereſts as are the proper act of the party to whom ſuch letters patents ſhall be ſo granted, or of thoſe under whom he claims as heir, executor or adminiſtrator, and other than ſuch debts, leaſes and payments whereunto the ſame are by the ſaid acts made liable, and that the ſaid lands, tenements and hereditaments, rights, titles and intereſts in the ſaid letters patents mentioned and contained, are and ſhall be by the ſaid acts confirmed to the ſeveral perſons therein named, according to ſuch ſeveral and reſpective eſtates as ſhall be therein limited and appointed, againſt the King's Majeſtie, his heirs and ſucceſſors, and all perſons claiming by, from, or under him or them, and againſt all other perſons, bodies politick and corporate whatſoever.

Third. And we do hereby further order and declare, that all adventurers and ſouldiers, their heirs and aſſigns, ſhall have, hold, and enjoy an eſtate of inheritance in fee-ſimple in ſuch of the ſaid lands, tenements and hereditaments, by the ſaid acts or by virtue thereof declared to be forfeited to and veſted in his Majeſtie, as ſhall, by the commiſſioners appointed or to be appointed for executing the ſaid acts, be certified to belong and be due unto them, unleſs ſome other and leſſer eſtate ſhall by the certificates of the ſaid commiſſioners be expreſly and diſtinctly limited and appointed; and in caſe any ſuch other or leſſer eſtate ſhall be ſo limited or appointed in ſuch certificate, that then ſuch adventurer and ſouldier, to whom ſuch certificate for ſuch leſſer eſtate ſhall be ſo granted, ſhall have ſuch compenſation and allowance out of other forfeited lands, as ſhall make up his two third parts, by the ſaid acts intended to him, equal in worth and value to others who ſhall have eſtates of inheritance in fee-ſimple certified and granted unto them. And it is ordered, That this act of council be inrolled in the high court of Chancery, as by the ſaid explanatory act is directed.

Given at the Council Chamber in Dublin the ninth day of April, 1666.

God ſave the KING.

Ja. Armachanus. Mich. Dublin. Canc. Angleſey. Kingſton. R. Coot. Hen. Tichborn. Rob. Byron. Paul Davys. Robert Forth. Rob. Meredith. Theo. Jones.

By the Lord Lieutenant and Council,

Rules, Orders, and Directions, made and eſtabliſhed by us the Lord Lieutenant and Council, for the better regulating the Corporation of the City of Dublin, and the electing of Magiſtrates and Officers there.

ESSEX.

WHEREAS in and by one act of Parliament, lately made in this kingdom, intituled, *An Act for the explaining of ſome doubts ariſing upon an act*, intituled, *An act for the better execution of his Majeſty's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there; and for making ſome alterations of, and additions unto the ſaid act, for the more ſpeedy and effectual ſettlement of the ſaid kingdom*; it is amongſt other things therein contained, enacted, "That it ſhall and may be lawful to and "for the lord lieutenant, or other chief governour or governours "and council of Ireland, for the time being, from time to time, "and at all times to come, during the ſpace of ſeven years, to "be accompted from the nine and twentieth day of September "one thouſand ſix hundred ſixty-five, to make and eſtabliſh ſuch "rules, orders and directions, for the better regulating of all "cities, walled towns and corporations, both new and old, and "ſuch as ſhall be created within this kingdom, and the electing "of magiſtrates and officers there, and to inflict ſuch penalties "for the breach thereof, as they in their wiſdoms ſhall think fit; "ſo as the penalties for the breach of the rules, orders and di-"rections to be made, touching ſuch corporations, do not extend "farther than to the removal and diſfranchiſement of ſuch per-"ſons, as ſhall be found guilty of the breach thereof: and ſuch "rules, orders and directions, ſo to be made as aforeſaid, ſhall be "as good and effectual in law, to all intents and purpoſes, as if "the ſame had been ſpecially and particularly eſtabliſhed by "authority of this preſent Parliament, and ſhall remain, con-"tinue, and abide in force, for ſuch and ſo long time as in the "ſaid rules, orders, and directions ſhall be limitted and appointed; "any thing in the ſaid act, or otherwiſe to the contrary thereof "in any wiſe, notwithſtanding:" Recital of 17 & 18 C. 2. 2.

We the lord lieutenant and council, in purſuance of the ſaid act, and the authority thereby given unto us, have thought fit to make and eſtabliſh, and we do hereby make and eſtabliſh the rules, Rules for corporations of Dublin.

rules, orders and directions hereafter mentioned, for the better regulating of the corporation of the city of Dublin, and the electing of magiſtrates and officers there.

First rule. *First*, That upon all elections to be hereafter made of any perſon or perſons to ſerve in any of the offices of lord mayor, ſheriffs, recorder or town-clerk of the ſaid corporation the names of the perſons, ſo elected to ſerve in the ſaid ſeveral offices, ſhall be by the ſaid corporation within ten days after ſuch election preſented to the lord lieutenant, or other chief governor or governors, and the privy council of this kingdom, to be approved of by them; and that no perſon ſo elected for any the ſaid offices ſhall be for ever hereafter capable of ſerving in the ſaid ſeveral offices or any of them, until they ſhall be reſpectively approved of by the lord lieutenant, or other chief governor or governors and privy council of this kingdom, by order under their hands; and in caſe the perſons, or any of them, whoſe names ſhall be ſo preſented to the lord lieutenant, or other chief governour or governours and council of this kingdom, ſhall not be ſo approved of within ten days after their names ſhall be ſo preſented, then and in ſuch caſe the ſaid corporation ſhall, from time to time proceed to a new election of fit perſons, for the ſaid reſpective offices, for which the perſons ſo preſented ſhall not be ſo approved of, and ſhall in like manner preſent their names, to the ſaid lord lieutenant, or other chief governour or governours and privy council of this kingdom, until they ſhall have choſen ſuch perſons for the ſaid reſpective offices, as ſhall be ſo approved of as aforeſaid: and that the election of the lord mayor, ſheriffs and treaſurer of the ſaid city of Dublin, ſhall be for ever hereafter only by the lord mayor and aldermen of the ſaid city, there being always eight aldermen at the leaſt preſent at the time of ſuch election, and that no other perſon or perſons whatſoever ſhall at any time hereafter have any vote in the election of the ſaid officers, or any of them.

Names of magiſtrates elected ſhall in ten days be preſented to chief governors, &c. for approbation. 19 G. 2. 12.

If not approved of in ten days after, then a new election, till ſo approved.

Election of lord mayor, ſheriffs, and treaſurer only by lord mayor and aldermen, eight preſent.

Second. *Secondly*, That the treaſurer, ſheriffs, and all other receivers of any part of the revenues of the ſaid city from time to time hereafter yearly within ſix months next after the expiration of one whole year, wherein they ſhall ſerve in the execution of their reſpective offices, ſhall render unto the auditors of the ſaid city, or uſual *quorum* of them appointed, or to be appointed for that purpoſe, a true and perfect accompt of all money (being any part of the revenues of the ſaid city) received by them within that year wherein they ſhall ſerve in the execution of their ſaid reſpective offices; and ſhall alſo pay unto the treaſurer of the ſaid city for the time being ſuch moneys as ſhall appear upon ſuch accbunt to be due from them reſpectively, upon pain of being diſfranchiſed by the lord mayor and aldermen of the ſaid city for

Treaſurer, ſheriffs, &c. ſhall account to the auditors in ſix months after the year;

and pay ballance on pain of diſfranchiſement,

the time being, or uſual *quorum* of them, who are hereby authorized and required, from time to time, to diſfranchiſe ſuch perſons ſo reſpectively neglecting to account and pay as aforeſaid: and in caſe the ſaid lord mayor and aldermen ſhall neglect to diſfranchiſe ſuch perſons, then the ſaid perſons ſo neglecting to accompt and pay as aforeſaid, to be diſfranchiſed by the lord lieutenant, or other chief governour or governours and council of this kingdom, and to be from thenceforth incapable, without their licenſe, of being reſtored to their freedoms; and alſo liberty is hereby given to take ſuch further courſe againſt ſuch perſons as ſhall be agreeable to the laws of this kingdom, and to the laws, charters, cuſtoms, and conſtitutions of the ſaid city.

on neglect of mayor and aldermen, by chief governors and council.

without whoſe licence not reſtored.

Thirdly, That no perſon or perſons, that ſhall hereafter be elected either lord mayor, recorder, ſheriffs, treaſurer, aldermen, town-clerk, or of the common-council of the ſaid city, or maſter, or wardens of any of the corporations or guilds, within the ſaid city, ſhall be capable of holding, enjoying, or exerciſing any the ſaid offices, places or employments, until he or they ſhall have taken the oath of ſupremacy, eſtabliſhed by act of Parliament 2*do Elizabethæ* in this kingdom, and the oath of allegiance, beſides the oaths uſually taken upon the admiſſion of any perſons into the ſaid reſpective offices, places, or employments: and alſo this enſuing oath, *viz.*

Third.

Officers elected ſhall take the oaths.

Inſtead of the oath 2 Eliz. 1. *a new oath appointed by* 1 W. & M. 2. Eng.

I A. B. *do declare and believe, That it is not lawful, upon any pretence whatſoever, to take arms againſt the King; and that I do abhor that traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him.*

So help me GOD.

4 G. 1. 3. *this oath taken away.*

The ſaid oaths to be taken before ſuch perſon or perſons as ſhall admit them to the ſaid ſeveral offices, places, and employments (who are hereby impowered, authorized and required to adminiſter to them the ſaid oaths) and upon any ſuch perſon or perſons refuſal to take the ſaid oaths, the election of ſuch perſon or perſons into any the ſaid offices, places, or employments is hereby declared to be abſolutely null and void; ſuch perſons only excepted, with whoſe taking the ſaid oath of ſupremacy, the lord lieutenant or other chief governor or governors of this kingdom for the time being ſhall think fit, by writing under his or their hand, by name to diſpence.

Fourthly, Whereas the common-council of the ſaid city doth conſiſt of a lord mayor and twenty-four aldermen, who have uſually ſate together in one room apart by themſelves, and alſo of ſuch who are commonly called ſheriffs-peers, not exceeding

Fourth.

forty-eight perſons, and of ninety-ſix other perſons, who are elected into the ſaid common-council out of ſeveral of the guilds or corporation of this city, and who have uſually ſate together in one room apart by themſelves, and have been uſually called the commons of the ſaid city, amongſt whom the ſheriffs of the ſaid city for the time being do preſide:

And whereas we conceive it would tend to the benefit and advantage of the ſaid city, if ſuch perſons, who are choſen into the ſaid common-council out of the ſeveral guilds or corporations of this city, ſhould be changed, and new elections made of them once in every three years, by which change a greater number of the citizens of the ſaid city might come into the ſaid places, and be entruſted with the management of the affairs of the ſaid city.

The common-council.

We do hereby order, eſtabliſh, and declare, That the common-council of the ſaid city ſhall, for ever hereafter, conſiſt of the ſaid lord mayor, and twenty-four aldermen, who, or any eight, or more of the ſaid aldermen, with the lord mayor, ſhall continue ſtill to ſit apart by themſelves; and alſo of the ſheriffs of the ſaid city for the time being, who are to preſide amongſt the reſt of the common-council of the ſaid city, as hath been formerly accuſtomed, and alſo of ſuch who are commonly called ſheriffs-peers, not exceeding forty-eight perſons, within the ſaid city, and of ninety-ſix other perſons to be choſen out of the ſeveral guilds or corporations of the ſaid city, from which they have been formerly choſen, which ſaid perſons to be choſen out of the ſaid guilds or corporations ſhall enjoy their ſaid places of common-council-men only for three years from the time of their elections: and to that end, we do hereby order and eſtabliſh, that the ſeveral guilds or corporations of this city, out of which any perſons are to be uſually choſen to be of the common council of the ſaid city, ſometime within the month of November next enſuing, and ſo from time to time within every month of November, which ſhall for ever hereafter be, at the end of every three years from the end of the month of November next enſuing the date hereof, ſhall elect and nominate double the number of perſons uſually choſen out of each ſuch guild or corporation into the common-council of this city, and, by the maſters and wardens of each ſuch guild or corporation, ſhall ſometime within ſuch month of November preſent the names of the ſaid perſons ſo elected to the lord mayor of this city for the time being, who is hereby authorized and required in the preſence of one of the ſheriffs, and eight of the aldermen, before the twenty-fourth day of December then next enſuing, to elect out of the perſons, whoſe names ſhall be ſo preſented, the number of perſons uſually ſerving in the common-council of the ſaid city, for each ſuch guild

The 96 out of the ſeveral guilds for 3 years only.

Every guild ſhall in November preſent double the number to ſaid mayor,

who before 24 Dec. ſhall, in preſence of one ſheriff and eight aldermen, chuſe thereout.

or

or corporation reſpectively; which ſaid perſons ſo preſented and elected, ſhall be, by virtue of that election, for three years then next enſuing, and no longer, of the number of the commons or common-council of the ſaid city; and in caſe any of the ſaid perſons, ſo preſented or elected as aforeſaid, ſhall happen to die, or for any lawful cauſe to be removed during the ſaid three years, then and in ſuch caſe the guild or corporation, out of which ſuch perſon ſo dying or removed was elected, ſhall forthwith preſent two other perſons to the lord mayor of this city for the time being, out of whom the lord mayor, in the preſence of one of the ſheriffs and eight of the aldermen, ſhall chooſe one who ſhall ſerve in the common-council of the ſaid city, during the remainder of the three years, for which ſuch perſon ſo dying or removed ſhould have ſerved therein: and that all and every the perſons of the aforeſaid corporations and guilds ſo to be nominated, preſented, and elected before the twenty-fourth day of December next, and ſo from three years to three years as aforeſaid, or in the place of any perſon ſo dying as aforeſaid, together with the ſaid ſheriffs-peers, or the greater number of them that ſhall be from time to time aſſembled (ſo as there be always forty or more of them preſent) be, and they only are hereby authorized from and after the twenty-fourth day of December next, to ſit, vote, and act in the general quarter and other aſſemblies, as the commons of the ſaid city: and in caſe any of the ſaid guilds, or corporations of the ſaid city, ſhall neglect or refuſe, within the times herein above limitted, to elect and nominate the perſons above-mentioned, or that the maſter and wardens of any of the ſaid guilds or corporations ſhall fail to return the names of the perſons by them to be preſented, as fit perſons to be of the common-council of the ſaid city, in ſuch manner, and at ſuch times, as herein is above limitted and appointed, or that any of the perſons ſo nominated, preſented, or elected, ſhall refuſe to ſerve as members of the ſaid commons or common-council, that then, and in ſuch caſe, the lord mayor and aldermen of the ſaid city, or uſual *quorum* of them, are thereupon authorized and required ſometime between the laſt day of November and the twenty-fourth of December next enſuing, and alſo ſometime after the laſt day of November and before the twenty-fourth day of December, which ſhall be at the end of every three years after the twenty-fourth day of December next; to elect out of the corporations or guilds ſo failing, ſuch number of perſons as hath been accuſtomed to ſerve for ſuch guild or corporation in the common-council of the ſaid city; and that ſuch perſons ſo elected by the lord mayor and aldermen, in manner as aforeſaid, be and are hereby appointed to be of the number of the ſaid commons, or common-council of

on death or removal of any in the 3 years, others choſen in like manner for remainder of the time.

on neglect of any guild to nominate, &c. or on refuſal to ſerve, ſaid mayor and aldermen may elect thereout.

the ſaid city, for three years next enſuing ſuch election, all the ſaid perſons ſo elected to be of the common council of the ſaid city firſt taking the oaths hereby appointed to be adminiſtered unto them; which oaths the lord mayor of the ſaid city for the time being is hereby authorized and required to adminiſter unto them; and that no other perſon or perſons from and after the ſaid twenty-fourth day of December next be of the commons of the ſaid city, beſides the ſheriffs of the ſaid city for the time being, who are ſtill to preſide amongſt the ſaid commons, and the ſaid ſheriff-peers, and the ſaid ninety-ſix perſons from the ſaid ſeveral corporations ſo to be preſented and elected before the twenty-fourth day of December next, and ſo from three years to three years as aforeſaid, or in the place of any perſon ſo dying or removed as aforeſaid, and the ſaid perſons in their default ſo to be elected by the lord mayor and aldermen as aforeſaid, who only are from time to time after the twenty-fourth day of December next to be the commons of the ſaid city, in ſuch manner and form as aforeſaid; and if any perſon, pretending himſelf to be one of the commons of the ſaid city, ſhall after the twenty-fourth day of December next, preſume to ſit and vote as a commoner, before he ſhall be elected in manner and form aforeſaid, he ſhall thereupon immediately be diſfranchiſed by the lord mayor and aldermen of the ſaid city, or the uſual *quorum* of them.

Pretenders to be of the commons diſfranchiſed.

Provided that this rule ſhall not debar or hinder the lord mayor, aldermen, and common-council of this city, from exerciſing the power that they have formerly uſed of altering or changing the number of any common-council-men uſually ſerving for any corporation, and of diſtributing the ſame amongſt any other corporations, that now are or hereafter ſhall be in this city; ſo as the whole number of perſons, to be choſen out of all the ſaid corporations, do not exceed the ſaid number of ninety ſix perſons; and ſo as all the ſaid perſons be preſented and elected in ſuch manner, and at ſuch times, as is herein above mentioned.

Not to hinder the power of altering the number for any corporation,

ſo as the whole not above 96.

Fifthly, That all foreigners, ſtrangers, and aliens, as well others as proteſtants, who are or ſhall be merchants, traders, artizans, artificers, ſeamen, or otherwiſe ſkilled and exerciſed in any myſtery, craft, or trade, or in the working or making any manufacture, or in the art of navigation, who are at preſent reſiding and inhabiting within the ſaid city of Dublin, or who ſhall at any time hereafter come into the ſaid city, with intent and reſolution there to inhabit, reſide and dwell, ſhall upon his or their reaſonable ſuit or requeſt made, and upon payment down or tender of twenty ſhillings by way of fine,

Fifth.

Foreigners, merchants, artificers, &c. paying 20s. fine, admitted free, during reſidence:

ſine, unto the lord mayor and common-council, or other perſons authorized to admit and make freemen in the ſaid city, be admitted a freeman of the ſaid city, and, if he or they ſhall deſire it, of all or any guild, brotherhood, ſociety, or fellowſhip of any trade, craft or other myſtery within the ſame, during his or their reſidence for the moſt part, and his and their families conſtant inhabiting within this kingdom, and no longer; and ſhall have, exerciſe, and enjoy all privileges and immunities of trading, working, buying, and ſelling, in as large and ample manner as any freeman of the ſaid city might have, exerciſe, or enjoy by virtue of his or their freedom; and that every ſuch perſon or perſons, who ſhall be admitted to be free as aforeſaid, ſhall from thenceforth be deemed, eſteemed, and taken, and be denizen and denizens within this kingdom: any law, ſtatute, charter, uſage or cuſtom of this kingdom, or of the ſaid city, to the contrary in any wiſe notwithſtanding. And deemed denizens.

Provided always, That all ſuch ſtrangers artificers and others, to be admitted freemen as aforeſaid, ſhall take the oath of allegiance to our ſovereign lord the King, his heirs and ſucceſſors, and alſo ſuch other oaths as are accuſtomably taken by all or any freemen, or members of the ſaid city, or by all or any the members of any ſuch guild, or brotherhood, ſociety, or fellowſhip of the trade, craft, or other myſtery, which he or they ſhall occupy, or exerciſe, in caſe he or they ſhall deſire to be incorporated into any ſuch guild, brotherhood, ſociety, or fellowſhip aforeſaid, and ſhall pay all ſuch and like charges, as all freemen his Majeſty's ſubjects of the like trade, craft, or myſtery, ſhall or do uſe to pay, and no other, or more: and that if the lord mayor and common-council, or other perſons authorized as aforeſaid within the ſaid city, or any maſter, warden, or other governour of any brotherhood, ſociety, or fellowſhip, or any trade, craft, or myſtery within the ſaid city, ſhall refuſe to admit any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman or ſeaman, reſiding or coming into this kingdom with intent as aforeſaid, to be a freeman of the ſaid city, or to be a brother or member of any brotherhood, ſociety, or fellowſhip within the ſame; all ſuch perſons ſo refuſing to admit ſuch ſtrangers as aforeſaid ſhall upon complaint, and due proof made of ſuch refuſal, before the lord lieutenant, or other chief governour or governours, and council of this kingdom, be by their order diſfranchiſed, and from thenceforth incapable (without their licence) of being a freeman or member of the ſaid city; and every ſuch ſtranger being a merchant, trader, artificer, artizan, workman, or ſeaman, Taking the oaths, and paying the charges. Perſons refuſing to admit them diſfranchiſed, and they deemed free.

man, upon tender by him made of twenty ſhillings, by way of fine as aforeſaid, and taking the oath of allegiance before any juſtice of peace of the county of Dublin, (who is hereby authorized and appointed to adminiſter the ſaid oath) ſhall thereupon, by virtue hereof, be deemed, reputed, and taken, to all intents and purpoſes, to be a freeman or member of the ſaid city, and of the brotherhood, ſociety, or fellowſhip of any trade, craft or myſtery, where he or they ſhall be denied admiſſion as aforeſaid; and from thenceforth have, exerciſe, and enjoy the liberty and privilege of trading, working, buying or ſelling of any commodities whatſoever, in as large and ample manner, as if he had been admitted a freeman of the ſaid city, a brother or member of ſuch brotherhood, ſociety or fellowſhip of any trade, craft, or myſtery within the ſame, taking the uſual oaths of ſuch freemen, brothers, or members; which oaths any one juſtice of peace of the ſaid county of Dublin ſhall have power to adminiſter, and paying all ſuch charges as aforeſaid; any law, cuſtom, charter or uſage to the contrary in any wiſe notwithſtanding. And in caſe any perſon or perſons ſhall give any interruption or diſturbance to any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman or ſeaman as aforeſaid, to the hindering him in his trading, working, buying or ſelling aforeſaid, contrary to the intent and meaning hereof; all and every ſuch perſon and perſons ſo offending ſhall upon like complaint and proof made of his or their offence therein, before the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being, be by their order disfranchiſed, and from thenceforth incapable, without their licence, of being a freeman or member of the ſaid city.

Perſons interrupting them diſfranchiſed.

And theſe our rules, orders and directions, we do hereby order and eſtabliſh for ever hereafter to continue in force within the ſaid city of Dublin, and within the corporations thereof;

Theſe rules perpetual,

And that the ſame be forthwith inrolled in the rolls of his Majeſty's high-court of chancery in this kingdom.

and inrolled in chancery.

Given at the council-chamber in Dublin, the four and twentieth day of September, 1672.

Ja. Armacanus, Mich. Dublin, Canc. Conway & Kilulta, Maſſareene, Hen. Midenſis, Fran. Aungier, Art. Forbeſe, Jo. Byſſe, Will. Steward, Fra. Hamilton, H. Ingoldeſby, Theo. Jones, A. Chicheſter, Char. Meredyth.

God ſave the King.

By the Lord Lieutenant and Council,

Rules, Orders and Directions, made and eſtabliſhed by us, the Lord Lieutenant and Council, for the better regulating the Corporation of the Town of Drogheda, and the electing of Magiſtrates and Officers there.

ESSEX.

WHEREAS in and by one act of Parliament lately made in this kingdom, intituled, *An Act for the explaining of ſome doubts ariſing upon an act*, intituled, *An Act for the better execution of his Majeſty's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſoldiers, and other his ſubjects there; and for making ſome alterations of and additions unto the ſaid act for the more ſpeedy and effectual ſettlement of the ſaid kingdom;* it is amongſt other things therein contained, enacted, "That it ſhall and may be lawful to and for the lord "lieutenant, or other chief governour or governours, and coun- "cil of Ireland for the time being, from time to time, and "at all times to come, during the ſpace of ſeven years, to "be accounted from the nine and twentieth day of Sep- "tember one thouſand ſix hundred ſixty five, to make and "eſtabliſh ſuch rules, orders and directions for the better re- "gulating of all cities, walled towns and corporations, both "new and old, and ſuch as ſhall be created within this king- "dom, and the electing of magiſtrates and officers there, and "to inflict ſuch penalties for the breach thereof as they in "their wiſdoms ſhall think fit; ſo as the penalties for the "breach of the rules, orders, and directions to be made, touch- "ing ſuch corporations, do not extend farther than to the re- "moval and disfranchiſement of ſuch perſons as ſhall be found "guilty of the breach thereof; and ſuch rules, orders and "directions, ſo to be made as aforeſaid, ſhall be as good and "effectual in law, to all intents and purpoſes, as if the ſame "had been ſpecially and particularly eſtabliſhed by authority "of this preſent Parliament, and ſhall remain, continue, and "abide in force for ſuch and ſo long time as in the ſaid "rules, orders, and directions ſhall be limited and appointed; "any thing in the ſaid act or otherwiſe to the contrary there- "of in any wiſe notwithſtanding:" 17 & 18 C. 2. 2.

Rules pursuant thereto for Drogheda.

We the lord lieutenant and council, in purſuance of the ſaid act, and the authority thereby given unto us, have thought fit to make and eſtabliſh, and we do hereby make and eſtabliſh the additional rules, orders and directions hereafter mentioned, for the better regulating of the corporation of the town of Drogheda, and the electing of magiſtrates and officers there.

First rule.

Firſt, For the avoiding of ſuch tumults and diſorders, wherewith popular elections of magiſtrates are often attended, we do hereby order and direct, that for ever hereafter the mayor, ſheriff, recorder, town-clerk, and all other officers of the ſaid town of Drogheda, ſhall be elected and choſen only by the mayor, and ſheriffs, and common-council of the ſaid town,

Officers to be choſen only by the mayor, ſheriffs, and common council, &c.

or the greater number of the votes of ſuch of the common-council of the ſaid town, as ſhall be preſent on the days whereon ſuch elections are or ought to be uſually made; and that no freeman of the ſaid town, or other perſon, who ſhall not be of the common-council of the ſaid town, ſhall at any time hereafter have any vote in the election of any mayor, ſheriffs, recorder or town-clerk, or other officers in the ſaid town of Drogheda; and that no matter or thing, in any wiſe relating to the affairs of the ſaid town, ſhall be hereafter propounded or debated in the Tholſel, or any aſſembly of the ſaid town, until the ſame ſhall have firſt paſt the common-council of the ſaid town; and that the perſons offending againſt this rule, ſhall be diſfranchiſed by the mayor and common-council of the ſaid town; any law, uſage, or cuſtom of the ſaid town, to the contrary in any wiſe notwithſtanding.

Nothing debated, till paſt the common council.

Offenders diſfranchiſed.

Second rule.

Secondly, That all foreigners, ſtrangers and aliens, as well others as proteſtants, who are or ſhall be merchants, traders artizans, artificers, ſeamen, or otherwiſe ſkilled and exerciſed in any myſtery, craft, or trade, or in the working or making any manufacture, or in the art of navigation, who are at preſent reſiding and inhabiting within the ſaid town of Drogheda, or who ſhall at any time hereafter come into the ſaid town, with intent and reſolution there to inhabit, reſide, and dwell, ſhall upon his or their reaſonable ſuit or requeſt made, and upon payment down, or tender of twenty ſhillings, by way of fine, unto the chief magiſtrate or magiſtrates and common-council, or other perſons authorized to admit and make freemen in the ſaid town, be admitted a freeman of the ſaid town; and, if he or they ſhall deſire it, of all or any guild, brotherhood, ſociety or fellowſhip of any trade, craft, or other myſtery within the ſame, during his or their reſidence for the moſt part, and his and their families conſtant inhabiting within

Foreigners, traders or artificers &c. on tender of 20s. fine, admitted free, during reſidence, &c.

the ſaid town, and no longer; and ſhall have, exerciſe and enjoy all privileges and immunities of trading, buying, working and ſelling, in as large and ample manner as any freeman of the ſaid town might have, exerciſe, or enjoy, by virtue of his or their freedom: and that every ſuch perſon or perſons, who ſhall be admitted to be free as aforeſaid, ſhall from thenceforth be deemed, eſteemed and taken, and be denizen and denizens within this kingdom; any law, ſtatute, charter, uſage or cuſtom of this kingdom, or of any city, walled town, or corporation of the ſame, to the contrary in any wiſe notwithſtanding. deemed denizens.

Provided always, That all ſuch ſtrangers artificers and others, to be admitted freemen as aforeſaid, ſhall take the oath of allegiance to our ſovereign lord the King, his heirs and ſucceſſors, and alſo ſuch other oaths as are accuſtomably taken by all or any freeman, or members of the ſaid town, or by all or any the members of any ſuch guild, or brotherhood, ſociety, or fellowſhip of the trade, craft, or other myſtery, which he or they ſhall occupy, or exerciſe, in caſe he or they ſhall deſire to be incorporated into any ſuch guild, brotherhood, ſociety, or fellowſhip aforeſaid; and ſhall pay all ſuch and like charges, as all freemen his Majeſty's ſubjects of the like trade, craft, or myſtery, ſhall or do uſe to pay, and no other or more: and that if the chief magiſtrate or magiſtrates, or other perſons authorized as aforeſaid, of the ſaid town, or any maſter, warden, or other governour of any brotherhood, ſociety, or fellowſhip, or any trade, craft, or myſtery within the ſaid town, ſhall refuſe to admit any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman or ſeaman, reſiding or coming into this kingdom, with intent as aforeſaid, to be a freeman of the ſaid town, or to be a brother or member of any brotherhood, ſociety, or fellowſhip within the ſame, every ſuch chief magiſtrate or magiſtrates, maſter, warden, or other governours reſpectively, ſhall (upon complaint and due proof made of ſuch refuſal before the lord lieutenant or other chief governour or governours, and council of this kingdom (be by their order diſfranchiſed, and from thenceforth incapable (without their licence) of being a freeman or member of the ſaid town: and every ſuch ſtranger being a merchant, trader, artificer, artizan, workman or ſeaman, upon tender by him made of twenty ſhillings, by way of a fine as aforeſaid, and taking the oath of allegiance before any juſtice of peace of the county of Lowth, (who is hereby required, authorized and appointed to adminiſter the ſaid oath) ſhall thereupon, by virtue hereof, be deemed, reputed and taken, to all intents and Taking the oaths, and paying charges. Perſons refuſing admittance diſfranchiſed, and the ſtrangers deemed free, &c.

purpoſes, to be a freeman or member of the ſaid town, and of the brotherhood, ſociety, or fellowſhip of any trade, craft or myſtery, where he or they ſhall be denied admiſſion as aforeſaid; and thenceforth have, exerciſe, and enjoy the liberty and priviledge of trading, working, buying or ſelling of any commodities whatſoever, in as large and ample manner, as if he had been admitted a freeman of the ſaid town, a brother or member of ſuch brotherhood, ſociety, or fellowſhip of any trade, craft, or myſtery within the ſame, taking the uſual oaths of ſuch freemen, brothers, or members; which oaths any juſtice of peace of the ſaid county of Lowth ſhall have power to adminiſter; and paying all ſuch charges as aforeſaid; any law, cuſtom, charter or uſage, to the contrary notwithſtanding: and in caſe any perſon or perſons ſhall give any interruption or diſturbance to any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman or ſeaman, as aforeſaid, to the hindering him in his trading, working, buying or ſelling as aforeſaid, contrary to the intent and meaning hereof, all and every ſuch perſon and perſons ſo offending ſhall, upon like complaint and proof made of his or their offence therein before the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being, be by their order diſfranchiſed, and from thenceforth incapable, without their licence, of being made a freeman or member of the ſaid town.

Perſons diſturbing them diſfranchiſed.

And theſe our additional rules, orders, and directions, we do hereby order and eſtabliſh for ever hereafter to continue in force within the ſaid town of Drogheda, and within the corporations thereof. And that the ſame be forthwith inrolled in the rolls of his Majeſty's high-court of chancery in this kingdom.

Theſe rules to continue for ever.

and inrolled in chancery.

Given at the council-chamber in Dublin, the five and twentieth day of September, 1672.

Ja. Armacanus, Mich. Dublin, Canc. Conway & Kilulta, Maſſereene, Hen. Midenſis, Fran. Aungier, Art. Forbeſe, Jo. Byſſe, Will. Steward, Fran. Hamilton, Hen. Ingoldeſby, Theo. Jones, Arth. Chicheſter, Char. Meredyth.

God ſave the King.

By

By the Lord Lieutenant and Council,

Rules, Orders, and Directions, made and eſtabliſhed by us the Lord Lieutenant and Council, for the better regulating the Corporation of the City of Limerick, and the electing of Magiſtrates and Officers there.

ESSEX.

WHEREAS in and by one act of Parliament, lately made in this kingdom, intituled, *An Act for the explaining of ſome doubts ariſing upon an act*, intituled, *An act for the better execution of his Majeſty's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there; and for making ſome alterations of, and additions unto the ſaid act, for the more ſpeedy and effectual ſettlement of the ſaid kingdom*; it is amongſt other things therein contained, enacted, "That it ſhall and may be lawful to and "for the lord lieutenant, or other chief governour or governours "and council of Ireland, for the time being, from time to time, "and at all times to come, during the ſpace of ſeven years, "to be accounted from the twentie ninth day of September "one thouſand ſix hundred ſixty-five, to make and eſtabliſh ſuch "rules, orders and directions, for the better regulating of all "cities, walled towns and corporations, both new and old, and "ſuch as ſhall be created within this kingdom, and the electing "of magiſtrates and officers there, and to inflict ſuch penalties "for the breach thereof, as they in their wiſdoms ſhall think fit; "ſo as the penalties for breach of the rules, orders and di- "rections to be made, touching ſuch corporations, do not extend "farther than to the removal and diſfranchiſement of ſuch per- "ſons, as ſhall be found guilty of the breach thereof: and ſuch "rules, orders and directions, ſo to be made as aforeſaid, ſhall be "as good and effectual in law, to all intents and purpoſes, as if "the ſame had been ſpecially and particularly eſtabliſhed by "authority of this preſent Parliament, and ſhall remain, con- "tinue, and abide in force, for ſuch and ſo long time as in the "ſaid rules, orders, and directions ſhall be limitted and appointed; "any thing in the ſaid act, or otherwiſe to the contrary thereof "in any wiſe, notwithſtanding:" 17 and 18 C. 2. 2.

Rules for corporation of Limerick.

We the lord lieutenant and council, in purſuance of the ſaid act, and the authority thereby given unto us, have thought fit to make and eſtabliſh, and we do hereby make and eſtabliſh the rules, orders and directions hereafter mentioned, for the better regulating of the corporation of the ſaid city of Limerick, and the electing of magiſtrates and officers there.

Firſt rule.

Firſt, That upon all elections to be hereafter made after the laſt day of October next, of any perſon or perſons to ſerve in any of the offices of mayor, ſheriffs, recorder or town-clerk of the ſaid corporation, the names of the perſons, ſo elected to ſerve in the ſaid ſeveral offices, ſhall be by the ſaid corporation forthwith preſented to the lord lieutenant, or other chief governor or governors, and the privy council of this kingdom, to be approved of by them; and the ſaid perſons ſo elected for any the ſaid offices, ſhall be for ever hereafter incapable of ſerving in the ſaid ſeveral offices or any of them, until they ſhall be reſpectively approved of by the lord lieutenant, or other chief governor or governors and the privy council of this kingdom, by order under their hands; and in caſe the perſons, or any of them, whoſe names ſhall be ſo preſented to the lord lieutenant, or other chief governour or governours and council of this kingdom, ſhall not be ſo approved of within ten days after their names ſhall be ſo preſented, then and in ſuch caſe, the ſaid corporation ſhall, from time to time proceed to a new election of fit perſons, for the ſaid reſpective offices, for which the perſons ſo preſented ſhall not be ſo approved of, and ſhall in like manner preſent their names to the ſaid lord lieutenant, or other chief governour or governours and privy council of this kingdom, until they ſhall have choſen ſuch perſons for the ſaid reſpective offices, as ſhall be ſo approved of as aforeſaid.

Names of perſons elected ſhall be preſented forthwith to chief governors for approbation.

If not approved of in ten days a new lection.

Officers to be elected annually on Monday after Midſummer,

and enter on execution as formerly.

And that all the ſaid officers that are annually choſen in the ſaid city into the ſaid offices, or any of them, ſhall be firſt elected for the ſaid reſpective offices on the Monday next enſuing Midſummer-day yearly, and to enter upon the execution of their reſpective offices on ſuch days as hath been formerly accuſtomed, to the end that there may be ſufficient time between ſuch their election and their entering upon the execution of their ſaid reſpective offices, for the obtaining of the approbation of the lord lieutenant, or other chief governour or governours and council of this kingdom, and for the making of new elections in the places of ſuch who ſhall not be ſo approved of.

Not to extend to elections in room

Provided always, That this rule ſhall not extend to the election of any perſons that ſhall be elected in the place of any of the ſaid officers annually choſen, who ſhall die within the year of

their execution of the ſaid reſpective offices, or within one month before they are to enter upon the execution thereof. of thoſe who die in the year, &c.

Secondly, That no perſon or perſons that ſhall be hereafter elected either mayor, recorder, ſheriffs, treaſurer, aldermen, town-clerk, or one of the common-council within the ſaid city or corporation, or maſter or wardens of any corporation, guild, or fraternity within the ſaid city or corporation, ſhall be capable of holding, enjoying, or executing any the ſaid offices, places, or employments, until he or they ſhall have taken the oath of ſupremacy, eſtabliſhed by act of Parliament *ſecundo Elizabethæ* in this kingdom, and the oath of allegiance, beſides the oaths uſually taken upon the admiſſion of any perſons into the ſaid reſpective offices, places or employments; and alſo this enſuing oath, *viz.* Second rule. to take the oaths 3 *Eliz.* 1. 3 *W. and M.* 2. *Eng.* another oath appointed.

I A. B. *do declare and believe, That it is not lawful, upon any pretence whatſoever, to take arms againſt the King; and that I do abhor that traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him.* 4 G. 1. 3. taken away.

So help me GOD.

The ſaid oaths to be taken before ſuch perſon or perſons as ſhall admit them to the ſaid ſeveral offices, places, and employments (who are hereby impowered, authorized and required to adminiſter to them the ſaid oaths) and upon any ſuch perſon or perſons refuſal to take the ſaid oaths, the election of ſuch perſon or perſons into any of the ſaid offices, places, or employments is hereby declared to be abſolutely null and void; ſuch perſons only excepted, with whoſe taking the ſaid oath of ſupremacy, the lord lieutenant or other chief governor or governors of this kingdom for the time being for ſome particular reaſons ſhall think fit, by writing under his or their hand, by name to diſpenſe.

Thirdly, For the avoiding of ſuch tumults and diſorders, wherewith popular elections of magiſtrates are often attended, we do hereby further order and direct, that for ever hereafter, the mayor, ſheriffs, recorder, town-clerk, and all other officers of the ſaid city of Limerick, ſhall be elected and choſen only by the mayor, ſheriffs, and common-council of the ſaid city of Limerick, or the greater number of the votes of ſuch of the common-council of the ſaid city of Limerick, as ſhall be preſent on the days whereon ſuch elections are or ought to be uſually made; and that no freeman of the ſaid city, or other perſon who ſhall not be of the common-council of the ſaid city, ſhall at any time hereafter have any vote in the election of any mayor, ſheriffs, Third rule. Elections by mayor, ſheriffs and common council only, or the majority preſent.

recorder, or town-clerk, or other officers in the ſaid city of Limerick; and that no matter or thing in any wiſe relating to the affairs of the ſaid city, ſhall be hereafter propounded or debated in any dear-hundred or general aſſembly of the ſaid city, until the ſame ſhall have firſt paſt the common-council of the ſaid city; and that the perſons offending againſt this rule ſhall be diſfranchiſed by the mayor and common-council of the ſaid city; any law, uſage, or cuſtom of the ſaid city to the contrary in any wiſe notwithſtanding.

Nothing debated in general aſſembly, till paſt the common council.

Offenders diſfranchiſed.

Fourth rule.

Fourthly, That all foreigners, ſtrangers, and aliens, as well others as proteſtants, who are or ſhall be merchants, traders, artizans, artificers, ſeamen, or otherwiſe ſkilled and exerciſed in any myſtery, craft, or trade, or in the working or making any manufacture, or in the art of navigation, who are at preſent reſiding and inhabiting within the ſaid city of Limerick, or who ſhall at any time hereafter come into the ſaid city, with intent and reſolution there to inhabit, reſide and dwell, ſhall upon his or their reaſonable ſuit or requeſt made, and upon payment down or tender of twenty ſhillings by way of fine, unto the chief magiſtrate or magiſtrates and common-council, or other perſons authorized to admit and make freemen in the ſaid city, be admitted a freeman of the ſaid city; and, if he or they ſhall deſire it, of all or any guild, brotherhood, ſociety, or fellowſhip of any trade, craft or other myſtery within the ſame, during his or their reſidence for the moſt part, and his and their families conſtant inhabiting within the ſaid city, and no longer; and ſhall have, exerciſe, and enjoy all privileges and immunities of trading, buying, working, and ſelling, in as large and ample manner as any freeman of the ſaid city might have, exerciſe, or enjoy by virtue of his or their freedom; and that every ſuch perſon or perſons, who ſhall be admitted to be free as aforeſaid, ſhall from thenceforth be deemed, eſteemed, and taken, and be denizen and denizens within this kingdom: any law, ſtatute, charter, uſage or cuſtom of this kingdom, or of any city, walled town, or corporation of the ſame, to the contrary in any wiſe notwithſtanding.

Foreigners, traders, &c. on tender of 20s. fine, admitted free during reſidence, &c.

and deemed denizens,

Provided always, That all ſuch ſtrangers artificers and others, to be admitted freemen as aforeſaid, ſhall take the oath of allegiance to our ſovereign lord the King, his heirs and ſucceſſors, and alſo ſuch other oaths as are accuſtomably taken by all or any freemen, or members of the ſaid city, or by all or any the members of any ſuch guild, or brotherhood, ſociety, or fellowſhip of the trade, craft, or other myſtery, which he or they ſhall occupy, or exerciſe, in caſe he or they ſhall deſire to be incorporated into any

Taking the oaths,

any ſuch guild, brotherhood, ſociety, or fellowſhip aforeſaid, and ſhall pay all ſuch and like charges, as all freemen his Majeſty's ſubjects of the like trade, craft, or myſtery, ſhall or do uſe to pay, and no other or more: and that if the chief magiſtrate or magiſtrates, or other perſons authorized as aforeſaid, of the ſaid city, or any maſter, warden, or other governour of any brotherhood, ſociety, or fellowſhip, or any trade, craft, or myſtery within the ſaid city, ſhall refuſe to admit any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman or ſeaman, reſiding or coming into this kingdom, with intent as aforeſaid, to be a freeman of the ſaid city, or to be a brother or member of any brotherhood, ſociety, or fellowſhip within the ſame, every ſuch chief magiſtrate or magiſtrates, maſter, wardens, or other governours reſpectively, ſhall upon complaint and due proof made of ſuch refuſal before the lord lieutenant, or other chief governour or governours, and council of this kingdom (be by their order diſfranchiſed, and from thenceforth incapable (without their licence) of being a freeman or member of the ſaid city; and every ſuch ſtranger being a merchant, trader, artificer, artizan, workman or ſeaman, upon tender by him made of twenty ſhillings, by way of fine as aforeſaid, and taking the oath of allegiance before any juſtice of peace of the county of Limerick, (who is hereby authorized and appointed to adminiſter the ſaid oath) ſhall thereupon, by virtue hereof, be deemed, reputed, and taken, to all intents and purpoſes to be a freeman or member of the ſaid city, and of the brotherhood, ſociety, or fellowſhip of any trade, craft or myſtery, where he or they ſhall be denied admiſſion as aforeſaid; and thenceforth have, exerciſe, and enjoy the liberty and priviledge of trading, working, buying or ſelling of any commodities whatſoever, in as large and ample manner, as if he had been admitted a freeman of the ſaid city, a brother or member of ſuch brotherhood, ſociety, or fellowſhip of any trade, craft, or myſtery within the ſame, taking the uſual oaths of ſuch freemen, brothers, or members, (which oaths any one juſtice of peace of the ſaid county of Limerick ſhall have power to adminiſter) and paying all ſuch charges as aforeſaid; any law, cuſtom, charter, or uſage, to the contrary in any wiſe notwithſtanding: and in caſe any perſon or perſons ſhall give any interruption or diſturbance to any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman, or ſeaman as aforeſaid, to the hindering him in his trading, working, buying or ſelling as aforeſaid, contrary to the intent and meaning hereof, all and every ſuch perſon and perſons ſo offending ſhall, upon like complaint and proof made of his or

On refuſal, diſfranchiſed, &c.

On tender of fine of 20*s.* &c. deemed free, and taking the oaths, &c.

Perſons interrupting them diſfranchiſed, &c.

their offence therein before the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being, be by their order disfranchiſed, and from thenceforth incapable, without their licence, of being made a freeman or member of the ſaid city.

These rules made perpetual.

And theſe our rules, orders, and directions, we do hereby order and eſtabliſh for ever hereafter to continue in force within the ſaid city of Limerick, and within the corporations thereof;

and inrolled in chancery.

and that the ſame be forthwith inrolled in the rolls of his Majeſty's high court of Chancery in this kingdom.

Given at the council-chamber in Dublin, the three and twentieth day of September, 1672.

Ja. Armacanus. Mich. Dublin, canc. Drogheda. Arran. Conway & Kilulta. Maſſereene. Hen. Midenſis. Fran. Aungier. Art. Forbeſe. Jo. Byſſe. Rob. Byron. Will. Steward. Hen. Ingoldeſby. Theo. Jones. Char. Meredyth.

God ſave the King.

By

By the Lord Lieutenant and Council,

Rules, Orders and Directions, made and eſtabliſhed by us, the Lord Lieutenant and Council, for the better regulating of the Corporation of the Town of Galway, and the electing of Magiſtrates and Officers there.

ESSEX.

WHEREAS in and by one act of Parliament lately made in this kingdom, intituled, *An Act for the explaining of ſome doubts ariſing upon an act*, intituled, *An Act for the better execution of his Majeſty's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſoldiers, and other his ſubjects there; and for making ſome alterations of and additions unto the ſaid act for the more ſpeedy and effectual ſettlement of the ſaid kingdom*; it is amongſt other things therein contained, enacted, "That it ſhall and may be lawful to and for the lord "lieutenant, or other chief governour or governours, and coun- "cil of Ireland for the time being, from time to time, and "at all times to come, during the ſpace of ſeven years, to "be accounted from the nine and twentieth day of Sep- "tember one thouſand ſix hundred ſixty five, to make and "eſtabliſh ſuch rules, orders and directions for the better re- "gulating of all cities, walled towns and corporations, both "new and old, and ſuch as ſhall be created within this king- "dom, and the electing of magiſtrates and officers there, and "to inflict ſuch penalties for the breach thereof as they in "their wiſdoms ſhall think fit; ſo as the penalties for the "breach of the rules, orders, and directions to be made, touch- "ing ſuch corporations, do not extend farther than to the re- "moval and diſfranchiſement of ſuch perſons as ſhall be found "guilty of the breach thereof; and ſuch rules, orders and "directions, ſo to be made as aforeſaid, ſhall be as good and "effectual in law, to all intents and purpoſes, as if the ſame "had been ſpecially and particularly eſtabliſhed by authority "of this preſent Parliament, and ſhall remain, continue, and "abide in force for ſuch and ſo long time as in the ſaid 17 & 18 C. 2. 2.

" rules, orders, and directions ſhall be limited and appointed; " any thing in the ſaid act or otherwiſe to the contrary there- " of in any wiſe notwithſtanding:"

Rules for corporation of Galway.

We the lord lieutenant and council, in purſuance of the ſaid act, and the authority thereby given unto us, have thought fit to make and eſtabliſh, and we do hereby make and eſtabliſh the rules, orders and directions hereafter mentioned, for the better regulating of the corporation of the ſaid town of Galway, and the electing of magiſtrates and officers there.

Rule 1.

Names of officers elected to be forthwith preſented for approbation.

Firſt, That upon all elections to be hereafter made, after the ſecond day of October next, of any perſon or perſons to ſerve in any of the offices of mayor, ſheriffs, recorder, or town-clerk of the ſaid corporation, the names of the perſons ſo elected to ſerve in the ſaid ſeveral offices ſhall be by the ſaid corporation forthwith preſented to the lord lieutenant, or other chief governour or governours and the privy council of this kingdom, to be approved of by them; and the ſaid perſons, ſo elected for any the ſaid offices, ſhall be for ever hereafter incapable of ſerving in the ſaid ſeveral offices, or any of them, until they ſhall be reſpectively approved of by the lord lieutenant, or other chief governour or governours and the privy council of this kingdom, by order under their hands; and in caſe the perſons, or any of them, whoſe name ſhall be ſo preſented to the lord lieutenant, or other chief governour or governours and council of this kingdom ſhall not be ſo approved of within ten days after their names ſhall be ſo preſented, then, and in ſuch caſe, the ſaid corporation ſhall from time to time proceed to a new election of fit perſons for the ſaid reſpective offices for which the perſons ſo preſented ſhall not be ſo approved of, and ſhall in like manner preſent their names to the ſaid lord lieutenant, or other chief governour or governours and privy council of this kingdom, until they ſhall have choſen ſuch perſons for the ſaid reſpective offices as ſhall be ſo approved of as aforeſaid.

if not approved, a new election, &c.

except in room of ſuch as die in the year, &c.

Provided always, That this rule ſhall not extend to the election of any perſons that ſhall be elected in the place of any of the ſaid officers annually choſen, who ſhall die within the year of their execution of the ſaid reſpective offices, or within one month before they are to enter upon the execution thereof.

Rule 2. The warden to be nominated by chief governours.

Secondly, That no perſon ſhall hereafter be choſen warden of the ſaid town of Galway, but ſuch perſon as ſhall be nominated to the ſaid office by the lord lieutenant, or other chief governour or governours of this kingdom for the time being.

Rule 3.

Thirdly, That no perſon or perſons that ſhall hereafter be elected either mayor, recorder, ſheriffs, treaſurer, aldermen,

town-clerk, or one of the common-council within the ſaid town or corporation, or maſter or wardens of any corporation, guild, or fraternity within the ſaid town or corporation, ſhall be capable of holding, enjoying, or executing any the ſaid offices, places, or employments, until he or they ſhall have taken the oath of ſupremacy, eſtabliſhed by act of Parliament *ſecundo Elizabethæ* in this kingdom, and the oath of allegiance, beſides the oaths uſually taken upon the admiſſion of any perſons into the ſaid reſpective offices, places, or employments; and alſo this enſuing oath, *viz.*

to take the oaths 2 *Eliz.* 1. 3 *W. & M.* 2. *Eng.* another oath appointed.

I A. B. *do declare and believe, that it is not lawful upon any pretence whatſoever, to take arms againſt the King; and that I do abhor that traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him.*

4 *G.* 1. 3. *taken away.*

So help me God.

The ſaid oaths to be taken before ſuch perſon or perſons as ſhall admit them to the ſaid ſeveral offices, places, and employments (who are hereby impowered, authorized, and required, to adminiſter to them the ſaid oaths) and upon any ſuch perſon or perſons refuſal to take the ſaid oaths, the election of ſuch perſon or perſons into any the ſaid offices, places, and employments, is hereby declared to be abſolutely null and void; ſuch perſons only excepted, with whoſe taking the ſaid oath of ſupremacy, the lord lieutenant, or other chief governour or governours of this kingdom for the time being, for ſome particular reaſons, ſhall think fit, by writing under his or their hand, by name to diſpence.

Fourthly, For the avoiding of ſuch tumults and diſorders, wherewith popular elections of magiſtrates and other officers are often attended; we do hereby further order and direct, that for ever hereafter the mayor, ſheriffs, recorder, town-clerk, and all other officers of the ſaid town of Gallway, ſhall be elected and choſen only by the mayor, ſheriffs and common-council of the ſaid town, or the greater number of the votes of ſuch of the common-council of the ſaid town, as ſhall be preſent on the days whereon ſuch elections are or ought to be uſually made; and that no freeman of the ſaid town, or other perſon who ſhall not be of the common-council of the ſaid town, ſhall, at any time hereafter, have any vote in the election of any mayor, ſheriffs, recorder or town-clerk, or other officers in the ſaid town of Gallway: and that no matter or thing in any wiſe relating to the affairs of the ſaid town ſhall be hereafter propounded or debated

Rule 4.

Officers to be elected only by mayor, ſheriffs and common council.

Matters in debate first to pass the common-council.

debated in the Tholſel, or any general aſſembly of the ſaid town, untill the ſame ſhall have firſt paſſed the common-council of the ſaid town; and that the perſons offending againſt this rule, ſhall

Offenders diſfranchiſed.

be diſfranchiſed by the mayor and common-council of the ſaid town; any law, uſage, or cuſtom of the ſaid town to the contrary in any wiſe, notwithſtanding.

Rule 5.

Fiftbly, That all foreigners, ſtrangers and aliens, as well others as proteſtants, who are or ſhall be merchants, traders, artizans,

Strangers, merchants, &c. admitted free during reſidence, on tender of fine of 20s. &c.

artificers, ſeamen, or otherwiſe ſkilled and exerciſed in any myſtery, craft or trade, or in the working or making any manufacture, or in the art of navigation, who are at preſent reſiding and inhabiting within the ſaid town of Gallway, or who ſhall at any time hereafter come into the ſaid town of Gallway, with intent and reſolution there to inhabit, reſide and dwell, ſhall upon his or their reaſonable ſuit or requeſt made, and upon payment down, or tender of twenty ſhillings, by way of fine, unto the chief magiſtrate or magiſtrates and common-council, or other perſons authorized to admit and make freemen of the ſaid town of Gallway, be admitted a freeman of the ſaid town of Gallway: and if he or they ſhall deſire it, of all or any guild, brotherhood, ſociety or fellowſhip of any trade, craft, or other myſtery within the ſame, during his or their reſidence for the moſt part, and his and their families conſtant inhabiting within the ſaid town of Gallway, and no longer; and ſhall have, exerciſe and enjoy all privileges and immunities of trading, working, buying and ſelling, in as large and ample manner as any freeman of the ſaid town of Gallway might have, exerciſe, or enjoy, by virtue of his or their freedom: and that every ſuch perſon or perſons, who ſhall

and deemed denizens.

be admitted to be free, as aforeſaid, ſhall from thenceforth be deemed, eſteemed, and taken, and be denizen and denizens within this kingdom; any law, ſtatute, charter, uſage or cuſtom of this kingdom, or of any city, walled town, or corporation of the ſame, to the contrary in any wiſe notwithſtanding.

Provided always, That all ſuch ſtrangers, artificers, and others,

Taking the oaths.

to be admitted freemen as aforeſaid, ſhall take the oath of allegiance to our ſovereign lord the King, his heirs and ſucceſſors, and alſo ſuch other oaths as are accuſtomably taken by all or any freemen, or members of the ſaid town of Gallway, or by all or any the members of any ſuch guild or brotherhood, ſociety, or fellowſhip of the trade, craft, or other myſtery, which he or they ſhall occupy, or exerciſe, in caſe he or they ſhall deſire to be incorporated into any ſuch guild, brotherhood, ſociety, or fellowſhip

and paying charges,

aforeſaid, and ſhall pay all ſuch and like charges as all freemen his Majeſty's ſubjects of the like trade, craft, or myſtery, ſhall

or do uſe to pay, and no other, or more: and that if the chief magiſtrate or magiſtrates, or other perſons authorized as aforeſaid of the ſaid town of Gallway, or any maſter, warden, or other governour of any brotherhood, ſociety, or fellowſhip, or any trade, craft, or myſtery within the ſaid town of Gallway, ſhall refuſe to admit any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman or ſeaman, reſiding or coming into this kingdom, with intent as aforeſaid to be a freeman of the ſaid town of Gallway, or to be a brother or member of any brotherhood, ſociety, or fellowſhip within the ſame, every ſuch chief magiſtrate or magiſtrates, maſter, wardens, or other governours reſpectively, ſhall upon complaint and due proof made of ſuch refuſal, before the lord lieutenant, or other chief governour or governours and council of this kingdom, be by their order diſfranchiſed, and from thenceforth incapable (without their licence) of being a freeman or member of the ſaid town: and every ſuch ſtranger being a merchant, trader, artificer, artizan, workman or ſeaman, upon tender by him made of twenty ſhillings by way of fine as aforeſaid, and taking the oath of allegiance before any juſtice of peace of the county of Gallway, (who is hereby authorized and appointed to adminiſter the ſaid oath) ſhall thereupon by virtue hereof be deemed, reputed, and taken to all intents and purpoſes to be a freeman or member of the ſaid town of Gallway, and of the brotherhood, ſociety, or fellowſhip of any trade, craft, or myſtery, where he or they ſhall be denied admiſſion as aforeſaid; and from thenceforth have, exerciſe, and enjoy the liberty and priviledge of trading, working, buying or ſelling of any commodities whatſoever, in as large and ample manner as if he had been admitted a freeman of the ſaid town of Gallway, a brother or member of ſuch brotherhood, ſociety or fellowſhip of any trade, craft, or myſtery within the ſame, taking the uſual oaths of ſuch freemen, brothers or members (which oaths any one juſtice of peace of the ſaid county of Gallway ſhall have power to adminiſter) and paying all ſuch charges as aforeſaid; any law, cuſtom, charter or uſage, to the contrary in any wiſe notwithſtanding.

Diſfranchiſement on refuſal, &c.

And in caſe any perſon or perſons ſhall give any interruption or diſturbance to any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman, or ſeaman as aforeſaid, to the hindering him in his trading, working, buying or ſelling as aforeſaid, contrary to the intent and meaning hereof; all and every ſuch perſon and perſons ſo offending ſhall, upon like complaint and proof made of his or their offence therein before the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being, be by their order diſfranchiſed, and from thenceforth incapable,

Perſons interrupting them diſfranchiſed, &c.

incapable, without their licenſe, of being made a freeman or member of the ſaid town of Gallway.

Said rules perpetual,

And theſe our rules, orders and directions, we do hereby order and eſtabliſh for ever hereafter to continue in force within the ſaid town of Gallway, and within the corporations thereof; and that the ſame be forthwith inrolled in the rolls of his Majeſty's high-court of Chancery in this kingdom.

and inrolled in chancery.

Given at the Council-chamber in Dublin, the three and twentieth day of September one thouſand ſix hundred ſeventy and two.

Ja. Armacanus. Mich. Dublin. Canc. Drogheda. Arran. Conway & Kilulta. Maſſereene. Hen. Midenſis. Fran. Aungier. Art. Forbeſe. Jo. Byſſe. Rob. Byron. Will. Steward. Hen. Ingoldeſby. Theo. Jones. Char. Meredyth.

God ſave the King.

By

By the Lord Lieutenant and Council,

Rules, Orders, and Directions, made and eſtabliſhed by us the Lord Lieutenant and Council, for the better regulating the ſeveral Cities, walled Towns, and Corporations of Cork, Waterford, Kinſale, Youghall, Caſhell, Clonmell, Athlone, Londonderry, Carrickfergus, Coleraine, Strabane, Charlemont, Trim, Dundalk, Kilkenny, Wexford, and Roſs, in the County of Wexford, and the electing of Magiſtrates and Officers there.

ESSEX.

WHEREAS in and by one act of Parliament, lately made in this kingdom, intituled, *An Act for the explaining of ſome doubts ariſing upon an act*, intituled, *An act for the better execution of his Majeſty's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there; and for making ſome alterations of, and additions unto the ſaid act, for the more ſpeedy and effectual ſettlement of the ſaid kingdom*; it is amongſt other things therein contained, enacted, 17 and 18 C. 2. 2. "That it ſhall and may be lawful to and "for the lord lieutenant, or other chief governour or governours "and council of Ireland, for the time being, from time to time, "and at all times to come, during the ſpace of ſeven years, "to be accounted from the nine and twentieth day of September "one thouſand ſix hundred ſixty-five, to make and eſtabliſh ſuch "rules, orders and directions, for the better regulating of all "cities, walled towns and corporations, both new and old, and "ſuch as ſhall be created within this kingdom, and the electing "of magiſtrates and officers there, and to inflict ſuch penalties "for the breach thereof, as they in their wiſdoms ſhall think fit; "ſo as the penalties for breach of the rules, orders and di-"rections to be made, touching ſuch corporations, do not extend "farther than to the removal and diſfranchiſement of ſuch per-"ſons, as ſhall be found guilty of the breach thereof: and ſuch "rules, orders and directions, ſo to be made as aforeſaid, ſhall be "as good and effectual in law, to all intents and purpoſes, as if "the ſame had been ſpecially and particularly eſtabliſhed by "authority of this preſent Parliament, and ſhall remain, con-"tinue, and abide in force, for ſuch and ſo long time as in the

" ſaid rules, orders, and directions ſhall be limitted and appointed; " any thing in the ſaid act, or otherwiſe to the contrary thereof " in any wiſe, notwithſtanding:"

Rules for ſeveral corporations named.

We the lord lieutenant and council, in purſuance of the ſaid act, and the authority thereby given unto us, have thought fit to make and eſtabliſh, and we do hereby make and eſtabliſh the rules, orders and directions hereafter mentioned, for the better regulating of the aforeſaid ſeveral cities, walled towns, and corporations, and the electing of magiſtrates and officers there.

Firſt rule.

Firſt, That upon all elections to be hereafter made after the laſt day of December next, of any perſon or perſons to ſerve in any of the offices of chief magiſtrate or magiſtrates, recorder, ſheriffs, or town-clerk of any of the ſaid ſeveral cities, walled towns or corporations, the names of the perſons, ſo elected to ſerve in the ſaid ſeveral offices, ſhall be by the ſaid corporation forthwith after ſuch elections, preſented to the lord lieutenant or other chief governor or governors, and the privy council of this kingdom, to be approved of by them; and the ſaid perſons ſo elected for any the ſaid offices, ſhall be for ever hereafter incapable of ſerving in the ſaid ſeveral offices or any of them, until they ſhall be reſpectively approved of by the lord lieutenant, or other chief governor or governors and the privy council of this kingdom, by order under their hands; and in caſe the perſons, or any of them, whoſe names ſhall be ſo preſented to the lord lieutenant, or other chief governour or governours and council of this kingdom, ſhall not be ſo approved of within ten days after their names ſhall be ſo preſented, then and in ſuch caſe, the ſaid corporation ſhall, from time to time proceed to a new election of fit perſons, for the ſaid reſpective offices, for which the perſons ſo preſented ſhall not be ſo approved of, and ſhall in like manner preſent their names to the ſaid lord lieutenant, or other chief governour or governours and privy council of this kingdom, until they ſhall have choſen ſuch perſons for the ſaid reſpective offices, as ſhall be ſo approved of as aforeſaid: and that all ſuch of the ſaid officers that are annually choſen who by the charters of the ſaid reſpective cities, walled towns, or corporations, or any of them, have not been uſually elected three months before the day whereon they are to enter upon the execution of their ſaid reſpective offices, ſhall for ever hereafter be elected for the ſaid reſpective offices on that day three months which ſhall preceed the day whereon they are to enter upon the execution of the ſaid reſpective offices, unleſs the ſaid day ſhall happen on a Sunday, and then the ſaid election to be on the day following (the ſaid

Officers elected to be preſented for approbation.

If not approved of in ten days a new election.

Sufficient time between election and entering upon office to be given for obtaining approbation, &c.

three months to be accounted calendar months) to the end that there may be ſufficient time between ſuch their election and their entering upon the execution of their ſaid reſpective offices, for the obtaining of the approbation of the lord lieutenant and council, or other chief governour or governours and council of this kingdom, and for the making of new elections in the places of ſuch who ſhall not be ſo approved of.

Elections in room of ſuch as die in the year, &c. excepted.

Provided always, That this rule ſhall not extend to the election of any perſons in any of the ſaid cities, walled towns, or corporations, who ſhall be choſen in the place of any ſuch of the ſaid officers that are annually choſen, who ſhall die within the year of their execution of the ſaid reſpective offices, or within one month before they are to enter upon the execution thereof.

Rule 2.

Secondly, That no perſon or perſons that ſhall hereafter be elected either mayor, bailiff, ſoveraign, portreef, burgo-maſter, recorder, ſheriffs, treaſurer, aldermen, town-clerk, burgeſs, or one of the common-council, or any magiſtrate, or ſuch or the like officer within the ſaid ſeveral cities, walled towns, and corporations, or maſter or wardens of any corporation, guild, or fraternity within the ſaid ſeveral cities, walled towns, or corporations, ſhall be capable of holding, enjoying, or executing any the ſaid offices, places, or employments, until he or they ſhall have taken the oath of ſupremacy, eſtabliſhed by act of Parliament *ſecundo Elizabethæ* in this kingdom, and the oath of allegiance, beſides the oaths uſually taken upon the admiſſion of any perſons into the ſaid reſpective offices, places or employments; and alſo this enſuing oath, *viz.*

to take the oath, 2 *Eliz.* 1.

3 *W. and M.* 2. *Eng. another oath appointed.*

I A. B. *do declare and believe, That it is not lawful, upon any pretence whatſoever, to take arms againſt the King; and that I do abhor that traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him.*

So help me GOD.

4 G. 1. 3. *taken away.*

The ſaid oaths to be taken before ſuch perſon or perſons as ſhall admit them to the ſaid ſeveral offices, places, and employments (who are hereby impowered, authorized and required to adminiſter to them the ſaid oaths) and upon any ſuch perſon or perſons refuſal to take the ſaid oaths, the election of any ſuch perſon or perſons into any of the ſaid offices, places, or employments is hereby declared to be abſolutely null and void; ſuch perſons only excepted, with whoſe taking the ſaid oath of ſupremacy, the lord lieutenant or other chief governor or governors of this kingdom for the time being for ſome particular reaſons ſhall think fit by writing under his or their hand, by name to diſpenſe.

Rule 3.

Strangers, merchants, &c. admitted free, during reſidence on tender of 20s. fine,

4 G. 2. 9.

Thirdly, That all foreigners, ſtrangers, and aliens, as well others as proteſtants, who are or ſhall be merchants, traders, artizans, artificers, ſeamen, or otherwiſe ſkilled and exerciſed in any myſtery, craft, or trade, or in the working or making any manufacture, or in the art of navigation, who are at preſent reſiding and inhabiting within this kingdom, or who ſhall at any time hereafter come into the ſaid ſeveral cities, walled towns or corporation, with intent and reſolution there to inhabit, reſide and dwell, ſhall upon his or their reaſonable ſuit or requeſt made, and upon payment down or tender of twenty ſhillings by way of fine, unto the chief magiſtrate or magiſtrates and common-council, or other perſons authorized to admit and make freemen of ſuch of the ſaid ſeveral cities, walled towns or corporations, where he or they do intend to inhabit, reſide, or dwell be admitted a freeman of any of the ſaid ſeveral cities, walled towns or corporations, and, if he or they ſhall deſire it, of all or any guild, brotherhood, ſociety, or fellowſhip of any trade, craft or other myſtery within any of the ſaid ſeveral cities, walled towns, or corporations, during his or their reſidence for the moſt part, and his and their families conſtant inhabiting within the ſaid ſeveral cities, walled towns or corporations and no longer; and ſhall have, exerciſe, and enjoy all privileges and immunities of trading, buying, working, and ſelling, in as large and ample manner as any freeman of any the ſaid ſeveral cities walled towns or corporations might have, exerciſe, or enjoy by virtue of his or their freedom: and that every ſuch perſon or perſons, who ſhall be admitted to be free as aforeſaid, ſhall from thenceforth be deemed, eſteemed, and taken, and be denizen and denizens within this kingdom; any law, ſtatute, charter, uſage or cuſtom of this kingdom, or of any of the ſaid ſeveral cities, walled towns or corporations to the contrary in any wiſe notwithſtanding.

deemed denizens,

Provided always, That all ſuch ſtrangers artificers and others, to be admitted freemen as aforeſaid, ſhall take the oath of allegiance to our ſovereign lord the King, his heirs and ſucceſſors, and alſo ſuch other oaths as are accuſtomably taken by all or any freemen, or members of the ſaid ſeveral cities, walled towns, or corporations; or by any the members of any ſuch guild, or brotherhood, ſociety, or fellowſhip of the trade, craft, or other myſtery, which he or they ſhall occupy, or exerciſe, in caſe he or they ſhall deſire to be incorporated into any ſuch guild, brotherhood, ſociety, or fellowſhip aforeſaid; and ſhall pay all ſuch and like charges as all freemen his Majeſty's ſubjects of the like trade, craft or myſtery, ſhall or do uſe to pay, and no other, or more; and that if any chief magiſtrate or magiſtrates, or

other

other perſons authorized as aforeſaid, of any the ſaid ſeveral cities, walled towns or corporations, or any maſter, warden, or other governour of any brotherhood, ſociety or fellowſhip, or any trade, craft, or myſtery within the ſaid ſeveral cities, walled towns, or corporations, ſhall refuſe to admit any ſuch ſtrangers, being a merchant, trader, artificer, artizan, workman, or ſeaman, reſiding or coming into this kingdom with intent as aforeſaid, to be a freeman of any the ſaid ſeveral cities, walled towns or corporations, where he or they intend to inhabit, reſide, or dwell, or to be a brother or member of any brotherhood, ſociety, or fellowſhip within them or any of them; every ſuch chief magiſtrate or magiſtrates, maſter, warden, or other governours reſpectively, ſhall (upon complaint and due proof made of ſuch refuſal before the lord lieutenant or other chief governour or governours, and council of this kingdom) be by their order disfranchiſed, and from thenceforth incapable, without their licence, of being a freeman or member of any ſuch city, town or corporation: and every ſuch ſtranger being a merchant, trader, artificer, artizan, workman or ſeaman, upon tender by him made of twenty ſhillings by way of fine as aforeſaid, and taking the oath of allegiance before any juſtice of the peace of the county next adjacent to ſuch city, town, or corporation, or wherein ſuch city, town, or corporation is ſituated (who is hereby authorized and appointed to adminiſter the ſaid oath) ſhall thereupon by virtue hereof be deemed, reputed and taken, to all intents and purpoſes, to be a freeman or member of the ſaid city, town, corporation, brotherhood, ſociety, or fellowſhip of any trade, craft, or myſtery, where he or they ſhall inhabit, reſide or dwell, and be denied admiſſion as aforeſaid; and thenceforth have, exerciſe, and enjoy the liberty and priviledge of trading, working, buying or ſelling of any commodities whatſoever, in as large and ample manner, as if he had been admitted a freeman of ſuch city, town or corporation, a brother or member of ſuch brotherhood, ſociety or fellowſhip of any trade, craft, or myſtery within the ſame, taking the uſual oaths of ſuch freemen, brothers or members, (which oaths any one juſtice of peace near adjoining, ſhall have power to adminiſter) and paying all ſuch charges as aforeſaid; any law, cuſtom, charter, or uſage to the contrary in any wiſe notwithſtanding. And in caſe any perſon or perſons ſhall give any interruption or diſturbance to any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman, or ſeaman as aforeſaid, to the hindering him in his trading, working, buying or ſelling as aforeſaid, contrary to the intent and meaning hereof, all and every ſuch perſon and perſons ſo offend-

Perſons diſturbing them diſfranchiſed.

offending, ſhall, (upon like complaint and proof made of his or their offence therein before the lord lieutenant or other chief governour or governours and council of this kingdom for the time being) be by their order diſfranchiſed, and from thenceforth incapable, without their licence, of being made a freeman or member of any of the ſaid ſeveral cities, walled towns or corporations.

Theſe rules to continue for ever,

And theſe our rules, orders, and directions, we do hereby order and eſtabliſh for ever hereafter to continue in force in all the aforeſaid ſeveral cities, walled towns and corporations of Cork, Waterford, Kinſale, Youghal, Caſhel, Clonmel, Athlone, London-derry, Carrickfergus, Colerain, Strabane, Charlemount, Trim, Dundalk, Kilkenny, Wexford and Roſs; and that the ſame be forthwith inrolled in the rolls of his Majeſty's high court of Chancery in this kingdom.

and inrolled in chancery.

Given at the council-chamber in Dublin, the three and twentieth day of September, 1672.

Ja. Armachanus, Mich. Dublin, Canc. Drogheda, Arran, Conway & Kilulta, Maſſereene, Hen. Midenſis, Fran. Aungier, Art. Forbeſe, Jo. Byſſe, Rob. Byron, Will. Steward, H. Ingoldeſby, Theo. Jones, Char. Meredyth.

GOD ſave the KING.

By

By the Lord Lieutenant and Council,

Rules, Orders, and Directions, made and eſtabliſhed by us the Lord Lieutenant and Council, for the better regulating of all ſuch Cities, walled Towns, and Corporations within this Kingdom of Ireland; and the electing of Magiſtrates and Officers there, for which no other particular Rules, Orders or Directions have been, or ſhall be made by us before the Twenty ninth Day of this inſtant September.

ESSEX.

WHEREAS in and by one act of Parliament, lately made in this kingdom, intituled, *An Act for the explaining of ſome doubts ariſing upon an act*, intituled, *An act for the better execution of his Majeſty's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſouldiers, and other his ſubjects there; and for making ſome alterations of, and additions unto the ſaid act, for the more ſpeedy and effectual ſettlement of the ſaid kingdom*; it is amongſt other things therein contained, enacted, "That it ſhall and may be lawful to and "for the lord lieutenant, or other chief governour or governours "and council of Ireland, for the time being, from time to time, "and at all times to come, during the ſpace of ſeven years, "to be accounted from the nine and twentieth day of September "one thouſand ſix hundred ſixty-five, to make and eſtabliſh ſuch "rules, orders and directions, for the better regulating of all "cities, walled towns and corporations, both new and old, and "ſuch as ſhall be created within this kingdom, and the electing "of magiſtrates and officers there, and to inflict ſuch penalties "for the breach thereof, as they in their wiſdoms ſhall think fit; "ſo as the penalties for breach of the rules, orders and di-"rections to be made, touching ſuch corporations, do not extend "farther than to the removal and disfranchiſement of ſuch per-"ſons, as ſhall be found guilty of the breach thereof: and ſuch "rules, orders and directions, ſo to be made as aforeſaid, ſhall be "as good and effectual in law, to all intents and purpoſes, as if "the ſame had been ſpecially and particularly eſtabliſhed by "authority of this preſent Parliament, and ſhall remain, con-"tinue, and abide in force, for ſuch and ſo long time as in the

Recital of 17 & 18 *C.* 2. 2.

" ſaid rules, orders, and directions ſhall be limitted and appointed; " any thing in the ſaid act, or otherwiſe to the contrary thereof " in any wiſe, notwithſtanding."

Rules for cities, &c.

We the lord lieutenant and council, in purſuance of the ſaid act, and the authority thereby given unto us, have thought fit to make and eſtabliſh, and we do hereby make and eſtabliſh the rules, orders and directions hereafter mentioned, for the better regulating of all ſuch cities, walled towns, and corporations in this kingdom, and the electing of magiſtrates and officers there, for which no other particular rules, orders or directions have been, or ſhall be made by us before the twenty ninth day of this inſtant September.

Firſt rule.

Firſt, That no perſon or perſons that ſhall hereafter be elected either mayor, bailiff, ſoveraign, portreef, burgo-maſter, recorder, ſheriffs, treaſurer, aldermen, town-clerk, burgeſs, or one of the common-council, or any magiſtrate, or ſuch or the like officer within any city walled town, or corporation within this kingdom, or maſter or wardens of any corporation, guild, or fraternity within any city, walled town, or corporation within this kingdom of Ireland, ſhall be capable of holding, enjoying, or executing of any the ſaid offices, places, or employments, until he or they ſhall have taken the oath of ſupremacy, eſtabliſhed by act of Parliament *ſecundo Elizabethæ* in this kingdom, and the oath of allegiance, beſides the oaths uſually taken upon the admiſſion of any perſons into the ſaid reſpective offices, places or employments; and alſo this enſuing oath, *viz.*

Officers elected ſhall take the oaths. *Inſtead of the oath* 2 Eliz. 1. *a new oath appointed by* 3 W. & M. 2. Eng.

1 G. 1. 3. *this oath taken away.*

I A. B. *do declare and believe, That it is not lawful, upon any pretence whatſoever, to take arms againſt the King; and that I do abhor that traiterous poſition of taking arms by his authority againſt his perſon, or againſt thoſe that are commiſſioned by him.*

So help me GOD.

The ſaid oaths to be taken before ſuch perſon or perſons as ſhall admit them to the ſaid ſeveral offices, places, and employments (who are hereby impowered, authorized and required to adminiſter to them the ſaid oaths) and upon any ſuch perſon or perſons refuſal to take the ſaid oaths, the election of ſuch perſon or perſons into any of the ſaid offices, places, or employments is hereby declared to be abſolutely null and void; ſuch perſons only excepted, with whoſe taking the ſaid oath of ſupremacy, the lord lieutenant or other chief governor or governors of this kingdom for the time being for ſome particular reaſons ſhall think fit, by writing under his or their hand, by name to diſpence.

Secondly, That all foreigners, ſtrangers, and aliens, as well others as proteſtants, who are or ſhall be merchants, traders, artizans, artificers, ſeamen, or otherwiſe ſkilled and exerciſed in any myſtery, craft, or trade, or in the working or making any manufacture, or in the art of navigation, who are at preſent reſiding and inhabiting within this kingdom, or who ſhall at any time hereafter come into any city, walled town, or corporation within this kingdom, with intent and reſolution there to inhabit, reſide, and dwell, ſhall upon his or their reaſonable ſuit or requeſt made, and upon payment down or tender of twenty ſhillings by way of fine, unto the chief magiſtrate or magiſtrates and common-council, or other perſons authorized to admit and make freemen of ſuch city, town, or corporation, where he or they do intend to inhabit, reſide, or dwell be admitted a freeman of any ſuch city, walled town or corporation, within this kingdom, and, if he or they ſhall deſire it, of all or any guild, brotherhood, ſociety, or fellowſhip of any trade, craft or other myſtery within all or any of the ſame, during his or their reſidence for the moſt part, and his and their families conſtant inhabiting within this kingdom, and no longer; and ſhall have, exerciſe, and enjoy all privileges and immunities of trading, buying, working, and ſelling, in as large and ample manner as any freeman of any ſuch city, walled town, or corporation might have, exerciſe, or enjoy by virtue of his or their freedom: and that every ſuch perſon or perſons, who ſhall be admitted to be free as aforeſaid, ſhall from thenceforth be deemed, eſteemed, and taken, and be denizen and denizens within this kingdom; any law, ſtatute, charter, uſage or cuſtom of this kingdom, or of any city, walled town, or corporation of the ſame to the contrary in any wiſe notwithſtanding.

Second rule.

Foreigners, traders, or artificers, &c. on tender of 20s. fine, admitted free, during reſidence, &c.

deemed denizens.

Provided always, That all ſuch ſtrangers artificers and others, to be admitted freemen as aforeſaid, ſhall take the oath of allegiance to our ſovereign lord the King, his heirs and ſucceſſors, and alſo ſuch other oaths as are accuſtomably taken by all or any freemen, or members of any ſuch reſpective cities, walled towns, or corporations; or by all or any the members of any ſuch guild, or brotherhood, ſociety, or fellowſhip of the trade, craft, or other myſtery, which he or they ſhall occupy, or exerciſe, in caſe he or they ſhall deſire to be incorporated into any ſuch guild, brotherhood, ſociety, or fellowſhip aforeſaid; and ſhall pay all ſuch and like charges as all freemen his Majeſty's ſubjects of the like trade, craft or myſtery, ſhall or do uſe to pay, and no other, or more; and that if any chief magiſtrate or magiſtrates, or other perſons authorized as aforeſaid, of any city, town or corporations, or any maſter, warden, or other governour of

Taking the oaths,

and paying charges.

any brotherhood, ſociety or fellowſhip, or any trade, craft, or myſtery within any ſuch city, town or corporation, ſhall refuſe to admit any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman, or ſeaman, reſiding or coming into this kingdom with intent as aforeſaid, to be a freeman of the city, town or corporation, where he or they intend to inhabit, reſide, or dwell, or to be a brother or member of any brotherhood, ſociety, or fellowſhip within the ſame; every ſuch chief magiſtrate or magiſtrates, maſter, wardens, or other governours reſpectively, ſhall (upon complaint and due proof made of ſuch refuſal before the lord lieutenant or other chief governour or governours, and council of this kingdom) be by their order diſfranchiſed, and from thenceforth incapable (without their licence) of being made a freeman or member of any ſuch city, town or corporation: and every ſuch ſtranger being a merchant, trader, artificer, artizan, workman or ſeaman, upon tender by him made of twenty ſhillings by way of fine as aforeſaid, and taking the oath of allegiance before any juſtice of the peace of the county next adjoining to ſuch city, town, or corporation, or wherein ſuch city, town, or corporation is ſituated (who is hereby authorized and appointed to adminiſter the ſaid oath) ſhall thereupon by virtue hereof be deemed, reputed and taken, to all intents and purpoſes, to be a freeman or member of the ſaid city, town, corporation, brotherhood, ſociety, or fellowſhip of any trade, craft, or myſtery, where he or they ſhall reſide, or dwell, and be denied admiſſion as aforeſaid; and from thenceforth have, exerciſe, and enjoy the liberty and priviledge of trading, working, buying or ſelling of any commodities whatſoever, in as large and ample manner, as if he had been admitted a freeman of ſuch city, town or corporation, a brother or member of ſuch brotherhood, ſociety or fellowſhip of any trade, craft, or myſtery within the ſame, taking the uſual oaths of ſuch freemen, brothers or members, (which oaths any one juſtice of peace near adjoining, ſhall have power to adminiſter) and paying all ſuch charges as aforeſaid; any law, cuſtom, charter, or uſage to the contrary in any wiſe notwithſtanding. And in caſe any perſon or perſons ſhall give any interruption or diſturbance to any ſuch ſtranger, being a merchant, trader, artificer, artizan, workman, or ſeaman as aforeſaid, to the hindering him in his trading, working, buying or ſelling as aforeſaid, contrary to the intent and meaning hereof; all and every ſuch perſon and perſons ſo offending ſhall, upon like complaint and proof made of his or their offence therein, before the lord lieutenant, or other chief governour or governours and council of this kingdom for the time being,

Perſons refuſing admittance diſfranchiſed,

and the ſtrangers deemed free, &c.

Perſons interrupting them diſfranchiſed.

being, be by their order disfranchiſed, and from thenceforth incapable, without their licence, of being made a freeman or member of any ſuch city, town, or corporation.

And theſe our rules, orders, and directions, we do hereby order and eſtabliſh for ever hereafter to continue in force in all the cities, walled towns, and corporations within this kingdom, for which no other particular rules, orders, or directions have been or ſhall be made by us befoſe the twenty ninth day of this inſtant September. Theſe rules perpetual,

And that the ſame be forthwith inrolled in the rolls of his Majeſty's high-court of Chancery in this kingdom. and inrolled in chancery.

Given at the council-chamber in Dublin, the ſixteenth day of September, 1672.

Ja. Armachanus, Mich. Dublin, Canc. Drogheda, Arran, Conway & Kilulta, Maſſereene, Hen. Midenſis, Fran. Aungier, Art. Forbeſe, Jo. Byſſe, Rob. Byron, Will. Steward, Theo. Jones, Edward Maſſie, Mau. Euſtace, A. Chicheſter, Char. Meredyth, Hen. Ford.

GOD ſave the KING.

A. D. 1692.

THE FOURTH YEAR OF WILLIAM and MARY.

CHAP. I.

An Act of Recognition, of their Majeſties undoubted Right to the Crown of Ireland.

Recital that Ireland is annexed and united to the crown of England,

FORASMUCH as this kingdom of Ireland is annexed and united to the imperial crown of England and by the laws and ſtatutes of this kingdom is declared to be juſtly and rightfully depending upon, and belonging, and for ever united to the ſame; and the Kings and Queens of England are by undoubted right Kings and Queens of this realm, and ought to enjoy the ſtile, title, majeſty, power, preheminence, juriſdiction, prerogative and authority of Kings and Queens of the ſame: and whereas our ſoveraign liege lord and lady, King William and Queen

and delivered by K. William and Q. Mary at great

A. D. 1692. Chap. 1.

Queen Mary, ſince their happy acceſſion to the crown of England, with great expence of blood and treaſure, and the extream hazard of his Majeſties royal perſon, have delivered this their kingdom from the miſeries and calamities of an inteſtine war, and moſt horrid rebellion, raiſed up amongſt us by the Iriſh papiſts, and inſtigated, abetted and ſupported by the power of the French King; thereby ſecuring us againſt the danger of popery and arbitrary power, with which we were threatned in a moſt eminent manner, and have moſt happily reduced this their kingdom to a ſtate of peace and order, and reſtored to us our laws and liberties, and the free and impartial adminiſtration of juſtice: we the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, in the name of all the people of this kingdom, do, from the bottom of our hearts, with all poſſible thankfulneſs acknowledge the goodneſs of Almighty God, in raiſing up their Majeſties to deliver us and to reign over us, of whoſe goodneſs, wiſdom and courage, we have already found ſuch happy and bleſſed effects.

expence of blood and treaſure, and hazard of the King's perſon from miſeries of civil war and rebellion raiſed by Iriſh papiſts, and abetted by the French King,

acknowledgment of God's goodneſs therein,

II. And to the intent and purpoſe, that we may publickly and unanimouſly own and aſſert our faith and true allegiance to their Majeſties, and that the ſame may remain as a memorial to all poſterity amongſt the records of Parliament in this kingdom: we the lords ſpiritual and temporal and commons in Parliament aſſembled, as we are in duty bound, do recognize and acknowledge, that the kingdom of Ireland, and all titles, ſtiles, royalties, juriſdictions rights, privileges, prerogatives, and preheminences-royal thereunto belonging, are moſt rightfully and lawfully veſted in their Majeſties King William and Queen Mary, and that their moſt excellent Majeſties were, are, and of right ought to be King and Queen of England, Ireland, Scotland, and France, and the dominions and territories thereunto belonging; in and to whoſe princely perſons the royal ſtate, crown, and dignity of the ſaid realms, with all honours, ſtiles, titles, regalities, prerogatives, powers, juriſdictions, and authorities to the ſame belonging and appertaining, are more fully, rightfully and intirely inveſted and incorporated, united and annexed.

Recognition of the title of the King and Queen.

III. And we do beſeech their moſt excellent Majeſties to accept of this our humble recognition and ſubmiſſion, as the firſt fruits in this preſent Parliament of our faith and duty to their Majeſties; and do pray that the ſame may be publiſhed, declared, and enacted in this high court of Parliament; and the ſame are by their ſaid Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſ-

ſembled, and by the authority of the ſame, declared, enacted, and eſtabliſhed accordingly. A. D. 1692.

CHAP. II.

An Act for Encouragement of Proteſtant Strangers to ſettle in this Kingdom of Ireland.

Recital of 14 & 15 C. 2. 13.

WHEREAS in the Parliament held at Dublin the eighth day of May, in the thirteenth year of the reign of our late ſovereign lord King Charles the ſecond, and by divers prorogations held and continued to the ſeventeenth day of April in the fourteenth year of his ſaid Majeſty's reign, a certain act of Parliament was made and paſſed, [intituled, *An Act for encouraging Proteſtant ſtrangers, and others, to inhabit and plant in the kingdom of Ireland*] which ſaid act, as to the naturalizing the ſtrangers thereby intended to be naturalized, had continuance only for the term of ſeven years from the end of the ſaid Parliament: and foraſmuch as the ſaid act has been found to be of good advantage to this your Majeſties kingdom; may it therefore pleaſe your Majeſties, that it may be enacted, and be it enacted by the king and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal and of the commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every part of the ſaid act [*for encouraging Proteſtant ſtrangers, and others, to inhabit and plant in the kingdom of Ireland*] which is now expired, ſhall be, and is hereby revived, and ſhall continue and be in full force and vertue to all intents and purpoſes whatſoever for and during the term of ſeven years, from the end of this preſent ſeſſion of Parliament, and no longer.

ſaid act revived, and continued 7 years, *further continued by* 2 *Anne* 14, *and made perpetual by* 4 G. 1. 9. *as to encouragement of Proteſtant ſtrangers.*

II. Provided always, that no perſon or perſons ſhall have the benefit thereof, until he ſhall, inſtead of the oaths of ſupremacy and allegiance which were by the ſaid act to be taken, take the oaths hereafter mentioned, *viz.*

Oaths to be taken.

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful and bear true allegiance to their Majeſties King William and Queen Mary.*

So help me God.

4 G. 1. 9. other oaths appointed, 3 *W.* & *M.* 2. *Eng.*

I A. B. *do ſwear, That I do from my heart abhor, deteſt and abjure, as impious and heretical, that damnable doctrine and poſition that princes excommunicated or deprived by the pope, or any authority of the ſee of Rome, may be depoſed and murthered by their ſubjects,*

A. D. 1692. Chap. 2.

or any other whatſoever. And I do declare, That no foreign prince, perſon, prelate, ſtate or potentate, hath or ought to have any juriſdiction, power, ſuperiority, pre-eminence or authority, eccleſiaſtical or ſpiritual, within this realm.

So help me God.

Declaration ſubſcribed.

And ſhall alſo make and ſubſcribe the declaration following, *viz.*

I A. B. *do ſolemnly and ſincerely, in the preſence of God, profeſs, teſtify and declare, That I do believe, that, in the ſacrament of the Lord's-Supper there is not any tranſubſtantiation of the elements of bread and wine into the body and blood of Chriſt, at or after the conſecration thereof, by any perſon whatſoever; and, that the invocation or adoration of the Virgin Mary, or any other ſaint, and the ſacrifice of the maſs, as they are now uſed in the church of Rome, are ſuperſtitious and idolatrous. And I do ſolemnly in the preſence of God, profeſs, teſtify and declare, that I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words read unto me, as they are commonly underſtood by Proteſtants, without any evaſion, equivocation, or mental reſervation whatſoever; and without any diſpenſation already granted me for this purpoſe by the Pope, or any other authority or perſon whatſoever, or without diſpenſation from any perſon or authority whatſoever, or without believing that I am, or can be acquitted before God or man, or abſolved of this declaration, or any part thereof, although the Pope or any other perſon or perſons, or power whatſoever ſhall diſpenſe with, or annul the ſame, or declare that it was null and void from the beginning.*

in chancery, B. R. or ſeſſions, or aſſizes.

Which ſaid oaths and declaration ſhall be ſolemnly and publickly made and ſubſcribed in the high court of Chancery, court of King's-bench, or in open court in the ſeſſion time, before three or more juſtices of the peace in any county of this kingdom where ſuch perſon or perſons ſhall reſide, or before any judge, or juſtice of aſſize in his circuit, who are hereby impowered and authorized to adminiſter the ſame, and thereupon to certify his or their doing thereof into the high court of Chancery, there to remain on record; and that the fee only of one ſhilling be taken upon adminiſtring the ſaid oaths, and ſubſcribing the ſaid declaration; one ſhilling for certifying the ſame, and one ſhilling for recording the ſame in chancery.

to be certified in Chancery.

The fees.

Alien Proteſtants conforming thereto may exerciſe their religion according to their own rights.

III. And be it further enacted by the authority aforeſaid, That all Proteſtant ſtrangers and foreigners, who at any time hereafter ſhall come into this kingdom, and ſhall take the oaths, and ſubſcribe the declaration herein above mentioned, ſhall have and enjoy the free exerciſe of their religion, and have liberty of meeting

meeting together publickly for the worſhip of God, and of hearing divine ſervice, and performing other religious duties in their own ſeveral rites uſed in their own countries; any law or ſtatute to the contrary notwithſtanding. A. D. 1692.

CHAP. III.

¶ *An Act for an Additionall Duty of Exciſe uppon Beer, Ale, and other Liquors.*

WEE, your Majeſtie's moſt dutifull and loyall ſubjects, the commons in Parliament aſſembled, takeing into our ſerious conſiderations the great decay which for ſome yeares paſt hath beene, and is likely to continue for ſome time in your Majeſtie's revenues in this kingdome, by reaſon of the calamities fallen on your ſubjects during the laſt unnatural rebellion, and being very ſenſible how neceſſary it will be for the ſupport of your Majeſtie's honour, and the maintenance of peace and tranquillity amongſt us, that your Majeſty ſhould be ſufficiently ſupplied, to defray the neceſſary charges of the publick, have cheerfully and unanimouſly given and granted, and doe hereby give and grant, to your Majeſties the ſeverall rates and additional duties of exciſe herein after mentioned; and doe moſt humbly beſeech your Majeſties that it may be enacted, and be it enacted by the Kinge and Queenes moſt excellent Majeſties, by and with the advice and conſent of the lords ſpirituall and temporall and commons in Parliament aſſembled, and by authority of the ſame, That from and after the firſt day of November in this preſent yeare of our lord one thouſand ſix hundred ninety and two, there ſhall be throughout this your Majeſties kingdome of Ireland raiſed, levied, collected, and paid unto your Majeſties, during the ſpace of one yeare, from the ſaid firſt day of November, and noe longer, for beere, ale, and other liquors herein after expreſt, by way of exciſe, over and above all other dutyes, charges, and impoſitions, formerly ſet and impoſed, the exciſe or duties herein after following (that is to ſay) for every thirty two gallons of beere or ale, above ſix ſhillings the barrell price, brewed within this realm by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell beere or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, one ſhilling ſix pence, and ſo proportionably for a greater or leſſer quantity, over and above the duties now paid for the ſame; and for every thirty two gallons of beer or ale of ſix ſhillings the barrel price, or under, brewed by the common brewer, or any other perſon or perſons, who doth or ſhall ſell beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity, three pence, over and above what is now paid for the ſame.

II. Bee it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of November in the year of our Lord one thouſand ſix hundred ninety and two, there ſhall be throughout this your Majeſties kingdome of Ireland rayſed, leavyed, collected, and payd unto your Majeſties, dureing the ſpace and terme of one yeare, from the firſt day of November aforeſaid an additional duty of three pence upon everie gallon of *aqua vitæ* and ſtrong waters, made or diſtilled within this realme for ſale; the ſame to be paid by the firſt maker or diſtiller thereof, and ſo proportionably for a greater or leſſer quantity, over and above all other dutyes now payable for the ſame; and alſoe, that from and after the firſt day of November aforeſaid there ſhall be throughout this your Majeſties kingdome of Ireland, raiſed, leavied, collected, and paid unto your Majeſties, dureing the ſpace and terme of one yeare, from the firſt day of November aforeſaid, and noe longer, a duty or exciſe

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ciſe of ſeaven pence uppon everie gallon of Balkan and other potable ſpirits, not before charged by this act, made or diſtilled within this realme for ſale, in full of all dutyes for the ſame; the ſaid duty to be paid by the firſt diſtiller or maker thereof, and ſo proportionably for a greater or leſſer quantity.

III. And be it further enacted by the authority aforeſaid, That the ſeverall rates and duties of exciſe, hereby granted on the ſeveral liquors aforeſaid, ſhall be raiſed, levyed, collected, recovered, and paid unto their Majeſties in the ſame manner and form, and by ſuch ways and means, and under ſuch penalties and forfeitures, as are mentioned, and expreſſed, and directed for the collecting, gathering, and recovering of the ſeveral duties of exciſe in and by the act of exciſe or new impoſt, made in the fourteenth yeare of the raigne of the late Kinge Charles the ſecond, intituled, *An Act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force; with the like liberty of appeal to and for the partyes grieved, as in and by the ſaid former act is reſpectively provided.

IV. And be it further enacted by the authority aforeſaid, That noe inn-keeper, victualler, or other retayler of beere or ale, at any time hereafter, during the continuance of the aforeſaid additionall dutyes on beere and ale by this act impoſed, ſhall be ſued, impleaded, or moleſted by indictment, information, or popular action, or otherwiſe, for ſelling and uttering of beere or ale, at any other or higher prices than the prices heretofore lymitted and appoynted; but that all officers, and other perſons concerned in aſſizing of beere or ale throughout this kingdome, ſhall take care to aſſize the ſame with regard to the additionall charge or duty aforeſaid.

CHAP. IV.

An Act for taking Affidavits in the Country, to be made uſe of in the Courts of King's Bench, Common Pleas and Exchequer.

29 C. 2. 5. *Eng.*

FOR the greater eaſe and benefit of all perſons whatſoever in the taking of affidavits to be made uſe of and read in their Majeſties courts of King's Bench, Common Pleas and Exchequer at Dublin, as well in matters and things relating to their Majeſties and their revenue, as in all other matters and cauſes whatſoever depending or to be depending in all or any of the courts aforeſaid, or any ways concerning the proceedings of or in the ſame; be it enacted by the King and Queen's moſt excellent Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal and commons of this preſent Parliament aſſembled, and by the authority of the ſame, That the chief juſtice, or other the juſtices of the ſaid court of King's Bench for the time being, or any two of them, whereof the chief juſtice for the time being to be one for the ſaid court of King's Bench; and the chief juſtice of the Common Pleas, and the reſt of the juſtices there for the time being, or any two of them, whereof the chief juſtice of the ſame court to be one for the ſaid court of Common Pleas; and alſo the lord treaſurer, chancellor and barons of the court of Exchequer for the time being, or any two or more of them, whereof the lord treaſurer, chancellor or lord

Judges of B. R. C. B. or court of Exchequer, may by commiſſion impower to take affidavits in cauſes depending.

chief

chief baron for the time being, to be one for the ſaid court of Exchequer, ſhall or may, by one or more commiſſion or commiſſions under their hands and the ſeveral ſeals of the ſaid reſpective courts, from time to time, as need ſhall require, impower ſuch and as many perſons as they, or any two of them as aforeſaid, ſhall think fit and neceſſary, in all and every the ſeveral counties of this kingdom, to take and receive all and every ſuch affidavit and affidavits as any perſon or perſons ſhall be willing and deſirous to make before any of the perſons ſo impowered, in or concerning any cauſe, matter, or thing depending, or any ways concerning any of the proceedings to be in any of the ſaid reſpective courts; and that it ſhall and may be lawful for any judge of aſſize in his circuit, to take and receive any affidavit or affidavits, as any perſon or perſons ſhall be willing or deſirous to make before him, in or concerning any cauſe, matter or thing depending, or hereafter to be depending, or in anywiſe concerning any proceedings to be in the ſaid courts of King's Bench, Common Pleas, or Exchequer, or any of them; and that all and every affidavit and affidavits taken as aforeſaid ſhall be of the ſame force as affidavits taken in the ſaid reſpective courts now are.

Judges of aſſiſe may take affidavits in matters depending in B. R. C. B. and Exchequer, which of ſame force as if taken in the courts.

II. Provided, That for the ſwearing and taking of ſuch affidavit, the perſon or perſons ſo impowered, or taking the ſame, for ſo doing ſhall receive only the ſum or fee of one ſhilling *ſterling*, and no more.

Fee 1*s*.

III. Provided further, That all and every perſon or perſons ſwearing falſly, or forſwearing him, her, or themſelves in ſuch affidavit or affidavits, ſhall incur and be liable unto the ſame penalties, as if ſuch affidavit or affidavits had been made or taken in open court.

Same penalty for falſe ſwearing, as if the affidavits taken in open court.

IV. And for the prevention and better diſcovery of all frauds and perjury; be it enacted by the authority aforeſaid, That no affidavit, taken by any commiſſioners authorized as aforeſaid, ſhall be read or made uſe of in any of the courts aforeſaid, unleſs the commiſſioner or perſon that take the ſame mention in the caption thereof as well the day when, as alſo the place and county where the ſame was ſworn.

The day and place to be mentioned in the caption.

V. Provided alſo, That the ſaid affidavits taken as aforeſaid ſhall not be read or made uſe of in any of the ſaid courts, before the ſame be filed in the reſpective courts.

Said affidavits not to be read till filed.

THE SEVENTH YEAR OF WILLIAM III.

Acts and Statutes, made in a Parliament begun at Dublin the twenty-ſeventh day of Auguſt, *Anno Dom.* 1695, in the ſeventh year of the reign of our Moſt gracious Sovereign Lord King WILLIAM; before His Excellency Henry Lord Capell, Lord Deputy General and General Governor of His Majeſty's Kingdom of Ireland; and continued by ſeveral Adjournments, before their Excellencies Charles Lord Marqueſs of Wincheſter, and Henry Earl of Galway, Lords Juſtices General and General Governors of His Majeſty's Kingdom of Ireland. A. D. 1695.

CHAP. I.

An Act for an Additional Duty of Exciſe upon Beer, Ale, and other Liquors.

WE your Majeſtie's moſt dutiful and loyal ſubjects, the commons in Parliament aſſembled, taking into our ſerious conſideration the great decay which for ſome years laſt paſt hath been, and is likely to continue for ſome time in your Majeſtie's revenues in this kingdom, by reaſon of the calamities fallen on your ſubjects during the late unnatural rebellion, and being very

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very ſenſible how neceſſary it will be for the ſupport of your Majeſtie's honour, and the maintenance of peace and tranquility amongſt us, that your Majeſty ſhould be ſufficiently ſupplied, to defray the neceſſary charges of the publick, have cheerfully and unanimouſly given and granted, and do hereby give and grant, to your Majeſty the ſeveral rates and additional duties of exciſe herein after mentioned; and do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by authority of the ſame, That from and after the three and twentieth day of October in this preſent year of our lord one thouſand ſix hundred ninety and five there ſhall be throughout this his Majeſtie's kingdom of Ireland raiſed, levied, collected, and paid unto his Majeſty, during the ſpace of one year, from the ſaid three and twentieth day of October, and no longer, for beer ale, and other liquors herein after expreſſed, by way of exciſe, over and above all other duties, charges, and impoſitions, formerly ſet and impoſed the exciſe or duties herein after following (that is to ſay) for every thirty two gallons of beer or ale, above ſix ſhillings the barrel price, brewed within this realm by the common brewer, or in his veſſels, or by any other perſon or perſons, who doth or ſhall ſell beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, one ſhilling ſix pence, and ſo proportionably for a greater or leſſer quantity, over and above the duties now paid for the ſame; and for every thirty two gallons of beer or ale of ſix ſhillings the barrel price, or under, brewed by the common brewer, or any other perſon or perſons, who doth or ſhall ſell beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, and ſo proportionably for a greater or leſſer quantity, three pence, over and above what is now paid for the ſame.

II. And be it further enacted by the authority aforeſaid, That from and after the three and twentieth day of October in the year of our Lord one thouſand ſix hundred ninety five there ſhall be throughout this his Majeſtie's kingdom of Ireland raiſed, levied, collected, and paid unto his Majeſty, during the ſpace and term of one year as aforeſaid, an additional duty of three pence upon every gallon of *aqua vitæ* and ſtrong waters or ſpirits, made or diſtilled within this realm for ſale; the ſame to be paid by the firſt maker or diſtiller thereof; and ſo proportionably for a greater or leſſer quantity, over and above all other duties now payable for the ſame.

III. And be it further enacted by the authority aforeſaid, That the ſeveral rates and duties of exciſe, hereby granted on the ſeveral liquors aforeſaid, ſhall be raiſed, levyed, collected, recovered, and paid unto his Majeſty in the ſame manner and form, and by ſuch ways and means, and under ſuch penalty and penalties, and forfeitures, as are mentioned, and expreſſed, and directed for the collecting, gathering, and recovering of the ſeveral duties of exciſe in and by the act of exciſe or new impoſt, made in the fourteenth year of the late King Charles the ſecond, intituled, *An Act for ſettling of the exciſe or new impoſt upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force; with the like liberty of appeal to and for the parties grieved, as in and by the ſaid former acts is reſpectively provided.

IV. And be it further enacted by the authority aforeſaid, That no inn-keeper, victualler, or other retailer of beer or ale, at any time hereafter, during the continuance of the aforeſaid additional duties on beer and ale by this act impoſed, ſhall be ſued, impleaded, or moleſted by indictment, information, or popular action, or otherwiſe, for ſelling and uttering of beer and ale, at any other or higher prices than the prices heretofore limitted and appointed; but that all officers, and other perſons concerned in aſſizing of beer or ale throughout this kingdom, ſhall take care to aſſize the ſame with regard to the additional charge or duty aforeſaid.

CHAP.

A. D. 1695.

CHAP. II.

An Act for taking away the Writ de heretico comburendo.

BE it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this Parliament aſſembled and by authority of the ſame, That the writ commonly called *breve de hæretico comburendo*, with all proceſs and proceedings thereupon, in order to the executing ſuch writ, or following or depending thereupon, and all puniſhment by death, in purſuance of eccleſiaſtical cenſures, be from henceforth utterly taken away and aboliſhed; any law, ſtatute, canon, conſtitution, cuſtom, or uſage to the contrary heretofore, or now in force in any wiſe notwithſtanding.

29 C. 2. 9. *Eng.*

Writ *de hæretico comburendo*, and all proceeding thereon, taken away.

II. Provided always, That nothing in this act ſhall extend or be conſtrued to take away or abridge the juriſdiction of proteſtant archbiſhops or biſhops or any other judges of any eccleſiaſtical courts, in caſes of atheiſm, blaſphemy, hereſy, or ſchiſm, or other damnable doctrines and opinions; but that they may proceed to puniſh the ſame according to his Majeſty's eccleſiaſtical laws, by excommunication, deprivation, degradation, and other eccleſiaſtical cenſures, not extending to death, in ſuch ſort, and no other, as they might have done before the making of this act; any thing in this law contained to the contrary in any wiſe notwithſtanding.

Saving of eccleſiaſtical juriſdiction in atheiſm, &c.

but not to extend to death.

CHAP. III.

An Act declaring all Attainders, and all other Acts made in the late pretended Parliament, to be void.

FORASMUCH as ſince the happy acceſſion of his Majeſty King William, and the late Queen Mary of bleſſed memory, to the imperial crown of England, whereunto this kingdom of Ireland is inſeparably annexed, united and belonging, no Parliament could or ought to be holden within this kingdom, unleſs by their Majeſtie's authority; yet nevertheleſs divers perſons, during the late war and rebellion in this kingdom, did, on or about the ſeventh day of May, one thouſand ſix hundred eighty nine, aſſemble themſelves at or near the city of Dublin, without authority derived from their Majeſties, and in oppoſition thereto; and being ſo aſſembled, did pretend to be and did call themſelves by the name of a Parliament, and acting in concurrence with the late King James, did make and paſs ſeveral pretended

Ireland inſeparably annexed to the crown of England.

Divers perſons during the late rebellion aſſembled at or near Dublin, 7th May 1689, without authority, calling themſelves a Parliament, acting in concurrence with King James.

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placing amongſt the records of Parliament their pretended acts, made in oppoſition to the ſovereignty of the crown of England, and for deſtruction of proteſtant intereſt.

Recital of 1 *W.* & *M.* 9. ſeſſ. 2. *Eng.* declaring ſaid pretended Parliament a rebellious aſſembly, and their acts void.

pretended acts or ſtatutes, and did cauſe the ſame to be placed and recorded amongſt the records and proceedings of Parliament; all which pretended acts were formed and deſigned in manifeſt oppoſition to the ſovereignty of the crown of England, and for the utter deſtruction of the proteſtants and the whole proteſtant intereſt in this kingdom, and are and were null and void to all intents and purpoſes whatſoever: and whereas their ſaid Majeſties, out of their pious and princely care of and for their dutiful and loyal proteſtant ſubjects of this kingdom, and for their better ſecurity and relief, by an act of their Parliament of England, made at Weſtminſter in the firſt year of their ſaid Majeſties reign, were graciouſly pleaſed to enact and declare, "That the ſaid pretended Parliament, "ſo as aforeſaid aſſembled at Dublin, was not a Parliament, but "an unlawful and rebellious aſſembly; and that all acts and "proceedings whatſoever, had, made, done, or paſſed, or to "be had, made, done, or paſſed, in the ſaid pretended Parlia-"ment, ſhould be taken, deemed, adjudged, and declared to be "null and void to all intents, conſtructions, and purpoſes whatſo-"ever." For which we the lords ſpiritual and temporal and commons, in this preſent Parliament aſſembled, do return our moſt hearty and unfeigned thanks to his moſt ſacred Majeſty: and for the better and further quieting and aſſuring the minds of his Majeſty's good ſubjects and to the intent that no memorial hereafter may remain amongſt the records of Parliament of any of the acts or proceedings of the ſaid unlawful and rebellious aſſembly, we the lords ſpiritual and temporal and commons in Parliament aſſembled do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every the acts, or pretended acts, and the rolls whereon the ſaid acts or pretended acts, and every of them, are recorded or engroſſed, and all proceedings of what nature or kind ſoever had, made, done, or paſſed by the ſaid perſons lately ſo aſſembled at Dublin, pretending to be or calling themſelves by the name of a Parliament, and alſo all writs iſſued in order to the calling of the ſaid pretended Parliament, and returned into any office in this kingdom, and there remaining, and all the journals of the ſaid pretended Parliament, and other books or writings in any wiſe relating thereunto, or to the holding thereof, ſhall, by the officers or perſons in whoſe cuſtody the ſame are, be brought before the lord deputy, or other chief governour or governours of this kingdom for the time being, at ſuch time as the lord deputy, or

that no memorial thereof may remain amongſt records of Parliament.

All ſaid pretended acts, writs, and proceedings, ſhall be brought before chief governors at council chamber and publickly cancelled.

Perſons in whoſe cuſtody not producing them, incapable of office or employment,

other

other chief governor or governors for the time being ſhall appoint, at the council chamber in Dublin, and there ſhall be publickly and openly cancelled and utterly deſtroyed: and in caſe any officer or perſon in whoſe hands or cuſtody the ſaid acts and rolls, or proceedings or any of them, do or ſhall remain, ſhall wilfully neglect or refuſe to produce the ſame, to the intent that the ſame may be cancelled and deſtroyed, according to the true intent of this act, every ſuch perſon and officer ſhall be, and is hereby adjudged and declared to be from thenceforth incapable of any office or employment whatſoever, and ſhall forfeit and pay the ſum of five hundred pounds, one half thereof to his Majeſty, and the other half to ſuch perſon or perſons that ſhall ſue for the ſame by any action of debt, bill, plaint, or information, in any court of record whatſoever.

and forfeit 500*l.* to the King and proſecutor.

II. And whereas the ſaid unlawful aſſembly, calling themſelves a Parliament, did take upon them to paſs one or more pretended acts, whereby in moſt cruel and barbarous manner they did, by expreſs name, attaint of high treaſon the greateſt part of the lords ſpiritual and temporal, and principal commons of this kingdom; all which attainders, as alſo all other acts and proceedings, or pretended acts or proceedings, of the ſaid pretended Parliament, are hereby declared and enacted to have been, from the firſt making thereof, and now to be, abſolutely null and void, to all intents, conſtructions and purpoſes whatſoever.

All their pretended acts of attainder and other proceedings declared void.

III. Be it further enacted and declared by the authority aforeſaid, That all and every perſon and perſons, who by expreſs name, or otherwiſe, by any proceedings of the ſaid pretended Parliament were attainted of high treaſon, or any other crime, or ſubjected to any incapacity, diſability, or forfeiture, are hereby declared and enacted to have been, ever ſince the making of the ſaid pretended act or acts, and to be perſons lawful, able, and capable, to all intents and purpoſes whatſoever, and free and diſcharged of and from all attainders, corruption of blood, diſabilities, incapacities, and forfeitures whatſoever, as fully, freely, and entirely, as if the ſaid acts, or pretended acts, or any of them, had never been made or paſſed; and as if they, and every of them, had been particularly named in this act, and by expreſs name and words had been declared to be reſtored in blood, made capable, freed, and diſcharged as aforeſaid.

And all pretended diſabilities and forfeitures diſcharged, as fully as if the parties expreſsly named and reſtored.

CHAP. IV.

An Act to reſtrain foreign Education.

1 *J.* 1. 4. *Eng.* 3 *C.* 1. 3. *Eng.* 2 *Anne* 6. 19 *G.* 2. 7. 1 *G* 3. 12.

Miſchiefs of foreign education.

WHEREAS many of the ſubjects of this kingdom have accuſtomed themſelves to ſend their children, and other perſons under their care, into France, Spain, and other foreign parts, not under his Majeſty's obedience, to be educated, inſtructed, and brought up; by means and occaſion whereof, the ſaid children and other perſons have in proceſs of time engaged themſelves in foreign intereſts, and been prevailed upon to forget the natural duty and allegiance due from them to the Kings and Queens of this realm, and the affection which they owe to the eſtabliſhed religion and laws of this their native country, and returning ſo civilly diſpoſed into this kingdom, have been, in all times paſt, the movers and promoters of many dangerous ſeditions, and oftentimes of open rebellion: for remedy whereof, be it therefore enacted and declared by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That in caſe any of his Majeſty's ſubjects of this realm of Ireland, at any time after the end of this ſeſſion of Parliament, ſhall paſs, or go, or ſhall convey or ſend, or cauſe to be conveyed or ſent, any child, or other perſon, into any parts beyond the ſeas, out of his Majeſty's obedience, to the intent and purpoſe to enter into, or be reſident, or trained up in any priory, abby, nunnery, popiſh univerſity, college or ſchool, or houſe of jeſuits or prieſts; or in caſe any of his Majeſty's ſubjects of this kingdom ſhall, after the time aforeſaid, paſs or go, or be conveyed, or ſent out of this kingdom, into any parts beyond the ſeas, out of the King's obedience, to the intent and purpoſe to be reſident, or trained up in any private popiſh family, and ſhall be in ſuch parts beyond the ſeas by any jeſuite, ſeminary prieſt, fryar, monk, or other popiſh perſon, inſtructed, perſuaded, or ſtrengthened in the popiſh religion, in any ſort to profeſs the ſame, or ſhall convey or ſend, or cauſe to be conveyed or ſent, by the hands or means of any perſon whatſoever, any ſum or ſums of money, or other thing, for or towards the maintenance or ſupport of any child or other perſon already gone or ſent, or that ſhall hereafter go or be ſent, and be trained and inſtructed as aforeſaid, or under the name or colour of any charity, benevolence, or alms towards

He that goes himſelf, or ſends any other beyond ſeas to be trained up in popery, &c.

or conveys or ſends over money, &c. for their maintenance, or as a charity for relief of a religious houſe,

the relief of any priory, abby, nunnery, college, ſchool, or any religious houſe whatſoever: every perſon ſo going, ſending, conveying, or cauſing to be ſent, or conveyed or ſent, as well any ſuch child or other perſon, as any ſum, or ſums of money, or other thing, and every perſon paſſing or being ſent beyond the ſeas, contrary to the intent and meaning of this act, and being thereof lawfully convicted in manner and form hereafter mentioned, or upon any information, preſentment, or indictment, for any the offences as aforeſaid, to be found by any jury of twelve men of the county, or city, or town corporate, where ſuch perſon or perſons ſo going or ſending ſhall have any eſtate of inheritance, when he or they did ſo ſend or go; ſuch perſon and perſons ſo going and ſending wilfully, from and after ſuch going or ſending, ſhall be for ever diſabled, from and after ſuch finding, to ſue, bring, or proſecute any action, bill, plaint, or information in courſe of law, or to proſecute any ſuit in any court of equity, or to be guardian, or executor, or adminiſtrator, to any perſon, or capable of any legacy, or deed of gift, or to bear any office within the realm, and ſhall loſe and forfeit all his, her, and their goods and chattles, which he, ſhe, or they hath, or any other perſon or perſons have, or hath in truſt for him, her, and them, and ſhall forfeit all his, her, and their lands, tenements, and hereditaments, rents, annuities, offices, and eſtate of free-hold, and all truſts, powers, and intereſts therein, for and during his, her, and their natural life and lives.

and thereof convicted,

diſabled to ſue in law or equity, or to be guardian, executor or adminiſtrator, or take a legacy or deed of gift, or bear office,

and forfeit goods, and alſo lands for life.

II. And be it further enacted by the authority aforeſaid, That if any information be given to any juſtice of the peace, that any ſuch child or other perſon, ſum of money, or other thing, is or are gone, or ſent away contrary to the tenor of this act, that then every ſuch juſtice of the peace, within the limits of his juriſdiction, is hereby authorized and required forthwith to cauſe to be brought before him all ſuch perſons ſuſpected, or charged, to have offended therein, and ſhall examine the perſon or perſons ſo ſuſpected or accuſed, without oath; and alſo ſhall examine any other perſon or witneſſes, upon ſuch his and their ſeveral and reſpective corporal oaths, concerning the ſame; and if, upon ſuch examination, it ſhall appear propable to ſuch juſtices of the peace, that ſuch child, or other perſon, ſum of money or other thing, is or are gone or ſent away, contrary to the true intent and meaning of this act, then the ſaid juſtices of the peace ſhall bind the ſaid ſuſpected perſon or perſons, with ſufficient ſureties, and ſuch other perſons as he ſhall judge fit, to give evidence, and the ſaid informer or informers in recognizances of the ſum of two hun-

Juſtice of peace, upon information of ſuch offence, to ſummon and examine perſons ſuſpected, without oath, and witneſſes on oath; 2 *Anne* 6.

and, if offence probable, bind over to appear at next quarter ſeſſions, and at firſt ſitting return examinations and recognizances.

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dred pounds, or ſuch greater ſum or ſums, as to the ſaid juſtice or juſtices of the peace ſhall ſeem reaſonable, with condition to appear at the next quarter-ſeſſions of the peace, to be held for the ſaid county, where ſuch offence or offences is or are ſuppoſed to be committed, or where the offenders did laſt reſide or were taken, and not to depart the ſaid court without licenſe: and the ſaid juſtice of the peace ſhall, at the firſt ſitting of the ſaid court of quarter-ſeſſions, return the ſaid examinations and recognizances unto the clerk of the peace, in open court; who ſhall cauſe an information to be framed againſt ſuch perſon and perſons, or ſuſpected perſon or perſons, who ſhall inſtantly anſwer thereunto, and proceed to tryal thereon; and in caſe upon ſuch tryal it ſhall by proof appear to the ſaid court of quarter-ſeſſions, that any perſon, ſum of money, or other thing, was by him, her, or them ſent or conveyed, or cauſed to be ſent or conveyed, into any parts beyond the ſeas, out of his Majeſty's obedience, and in caſe by ſuch proof it ſhall appear probable to the ſaid court, that ſuch ſending or conveying was contrary to the true intent and meaning of this act, then he, ſhe, or they, ſhall take upon him, her, or themſelves, the proof where ſuch child, or other perſon, ſo by them ſent, then is, and alſo to what intent and purpoſe ſuch ſum or ſums of money, or other thing, was or were ſent by him or them beyond the ſeas; and in caſe, any ſuch child or children, or other perſon or perſons, that ſhall go, as aforeſaid, contrary to the intent and meaning of this act, or be ſent or conveyed away, as aforeſaid, or any ſum or ſums of money, by way of exchange, or any other ways or means whatſoever, ſhall be ſent, after the time herein limited, beyond the ſeas into foreign parts, as aforeſaid, to any the intents and purpoſes aforeſaid, contrary to the deſign or intent of this act, that ſuch going or ſending ſhall be adjudged, deemed, and taken to be, going or ſending contrary to this act, unleſs the party or parties, denying the ſame, ſhall prove the contrary; or if by failure of ſuch proof, or otherwiſe, upon examination it ſhall appear to the ſaid court of quarter-ſeſſions of the peace, that ſuch offence or offences hath or have been committed contrary to this act, the ſame being entered on record ſhall be a conviction, as well of the perſon or perſons ſo being ſent, as of the parties ſo ſending, and they, and every of them, ſhall forfeit and incur all the pains and penalties, and diſabilities before recited and mentioned: the one moiety of all ſuch forfeitures to be to his Majeſty, his heirs and ſucceſſors, and the other moiety to him or them that ſhall ſue for the ſame, in any court of record, by any action,

Information to be framed and anſwered inſtantly, and tried.

If ſuch offence appear probable, they ſhall take on themſelves the proof where the child or other perſon ſent then is, or to what purpoſe ſuch money was ſent.

Taken to be done contrary to this act, unleſs the parties denying prove the contrary.

Offence appearing to have been committed, and entered on record, ſhall be a conviction of thoſe ſent and ſending.

Forfeiture, to the King, and proſecutor.

action, bill, plaint or information, wherein no eſſoyn, protection, or wager of law, or more than one imparlance, ſhall be allowed.

Appeal to the next aſſizes.

III. Provided always, That if any perſon or perſons, againſt whom ſuch judgment ſhall be given, or pronounced, at ſuch general quarter-ſeſſions of the peace as aforeſaid, ſhall find him or herſelf aggrieved thereby, it ſhall and may be lawful to and for ſuch perſon or perſons reſpectively to appeal to the juſtices of aſſize of the ſaid county, at the next aſſizes to be held for the ſame; which ſaid juſtices of aſſize are hereby authorized, in the ſame aſſizes, to cauſe the ſaid proceedings, in the ſaid general quarter-ſeſſions of the peace, to be brought before them, and there to review and examine the ſame, by ſuch ways and means as to them ſhall ſeem expedient, and to reverſe, alter, and confirm the ſame, and every part thereof, as to juſtice ſhall appertain; and all and every officer and officers, in whoſe cuſtody or power ſuch proceedings and conviction ſhall be at the time of ſuch inquiry by the ſaid judge or judges of aſſize, ſhall obey the orders and directions of the ſaid judge or judges of aſſize therein.

Perſons convicted of being ſent by conviction of perſon ſending only, may in twelve months after return, or attaining twenty one, on motion to *B. R.* be admitted to trial,

IV. Provided always, That if any perſon be convicted of being ſent beyond the ſeas contrary to this act, by the conviction of the perſon ſending or conveying him, only, ſuch perſon, upon his return into this kingdom, ſhall at any time within twelve months after ſuch his or her return, or within twelve months after his or her attaining the age of one and twenty years, upon his prayer, by motion to the court of King's-bench of this kingdom, be admitted to his tryal; and the judges of the ſaid court are hereby impowered and required forthwith upon ſuch prayer, to cauſe an information to be exhibited againſt ſuch perſon or perſons, to which he or they ſhall plead; and thereupon the ſaid court ſhall proceed to tryal of ſuch perſon or perſons, by jury of the county, where the ſaid court ſhall then ſit; and the defendant or defendants in ſuch caſe ſhall, upon his or their tryal, be obliged to prove to what intent or purpoſe he, ſhe, or they, was or were ſent or conveyed beyond the ſeas; and unleſs he, ſhe, or they ſhall make ſuch proof, whereby it may appear that he, ſhe, or they were not ſent or conveyed contrary to this act, it ſhall be taken for granted that he was ſent contrary to this act, as though the ſame had been fully proved: and in caſe upon his, her, or their tryal, ſuch perſon or perſons ſhall be acquitted, he, ſhe, or they, ſo acquitted, ſhall be diſcharged of all the diſabilities, penalties, and forfeitures in this act, except his, her,

if the contrary not proved, it ſhall be taken that they were ſent contrary to this act.

If acquitted, diſcharged of all penalties, except goods and profits of lands before received.

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or their goods and chattels, and the profits of his, her, or their lands, incurred and received before ſuch acquittal.

If in ſix months after return they take the oaths, &c. by 3 *W.* and *M.* 2. *Eng:* diſcharged of all diſabilities, and reſtored to future profits of real eſtate only.

V. Provided alſo, That every ſuch perſon ſent or conveyed as aforeſaid, that ſhall, within ſix months after his return into this kingdom, in the high court of Chancery, or court of King's-Bench in term-time, between the hours of eight and twelve in the morning, take the oaths, and repeat and ſubſcribe the declaration mentioned and appointed in and by one act lately made in the Parliament of England, intituled, *An Act for abrogating the oath of ſupremacy in Ireland, and appointing other oaths*, ſhall from thenceforth be diſcharged of all the incapacities and diſabilities aforeſaid; and ſhall, from the time of his taking ſuch oaths, and making, repeating, and ſubſcribing ſuch declaration, be reſtored to the receipt of the future growing rents, iſſues, and profits of his ſaid real eſtate only; but ſhall nevertheleſs loſe all the paſt rents, iſſues and profits thereof, and all his perſonal eſtate; any thing before in this act to the contrary notwithſtanding.

If they afterwards relapſe, or refuſe to take the oaths, &c. tendered at quarter ſeſſion, incur penalties aforeſaid.

VI. Provided always, That if ſuch perſon or perſons at any time after his or their taking the ſaid oaths, and making, repeating and ſubſcribing the ſaid declaration, profeſs him, her, or themſelves of the popiſh religion, or refuſe the taking the ſaid oaths, and repeating and ſubſcribing the ſaid declaration, when the ſame ſhall be to him, her, or them, tendred by the juſtices of the peace in their open quarter-ſeſſions of the peace for the county or place where ſuch perſon or perſons ſhall reſide (which the ſaid juſtices are hereby authorized and required to tender to all whom they ſhall ſuſpect to have relapſed) or ſhall upon due ſummons refuſe to appear at ſuch quarter-ſeſſions for the purpoſe aforeſaid; in every ſuch caſe, the ſaid perſon or perſons ſhall incur, forfeit, and ſuffer all and every the diſabilities, pains, penalties and loſſes herein before contained, as if ſuch perſon or perſons had never taken the ſaid oaths, or repeated and ſubſcribed the ſaid declaration.

Offences determined in *B. R.* or at aſſizes, &c.

VII. And be it further enacted by the authority aforeſaid, That all and every the offences againſt this act may be inquired into, heard and determined before the juſtices of the King's-bench, or juſtices of aſſizes, or goal-delivery, or of oyer and terminer, of ſuch counties where the offenders did laſt dwell or abide, or whence he, ſhe, or they departed, or were ſent out of the kingdom, or where he, ſhe, or they went, or ſhall be reſpectively taken or apprehended.

VIII. Provided

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VIII. Provided always, That if any perſon ſhall upon his tryal before the juſtices of the peace, at the general quarter-ſeſſions, be acquitted by the ſaid court of any offence againſt this act, or upon his appeal to the judges of aſſize, in ſuch manner as by this act is directed, ſhall by the ſaid judges of aſſize be acquitted, or in caſe he ſhall upon his tryal be acquitted by the jury, upon any indictment, preſentment, or information, proſecuted againſt him for any offence contrary to this act; ſuch perſon ſo acquitted ſhall not be lyable, after ſuch acquittal, to be proſecuted upon this act, in any other manner, for the ſame offence.

Acquittal a bar to proſecution for ſame offence.

IX. And whereas it is found by experience that tolerating and conniving at papiſts keeping ſchools or inſtructing youth in literature, is one great reaſon of many of the natives of this kingdom continuing ignorant of the principles of true religion, and ſtrangers to the ſcriptures, and of their neglecting to conform themſelves to the laws and ſtatutes of this realm, and of their not uſing the Engliſh habit or language, to the great prejudice of the publick weal thereof: be it further enacted by the authority aforeſaid, That no perſon whatſoever of the popiſh religion ſhall publickly teach ſchool, or inſtruct youth in learning, or in private houſes teach or inſtruct youth in learning within this realm from henceforth, except only the children or others under the guardianſhip of the maſter or miſtreſs of ſuch private houſe or family, upon pain of twenty pounds, and alſo being committed to priſon, without bail or mainprize, for the ſpace of three months for every ſuch offence.

Miſchiefs of tolerating popiſh ſchool-maſters. 8 *Anne* 3.

No papiſt to teach ſchool publickly or in private houſes, except children of the family.

Penalty 20l. and three months impriſonment.

X. And to the intent that no pretence may be made or uſed, that there are not ſufficient numbers of ſchools in this realm to inſtruct and inform the youth thereof in the Engliſh language, and other literature; be it further enacted by the authority aforeſaid, That one act of Parliament, made in the twenty eighth year of the reign of the late King Henry the eighth, called, *An Act for the Engliſh order, habit, and language*, whereby it is among other things enacted and provided, that every incumbent of each pariſh within this kingdom ſhall keep, or cauſe to be kept, within the place, territory, or pariſh where he ſhall have preheminence, rule, benefice, or promotion, a ſchool to learn Engliſh; and alſo one other act made in the twelfth year of the reign of the late Queen Elizabeth, intituled, *An Act for the erection of free-ſchools*, whereby it is enacted and provided, that a publick latin free-ſchool ſhall be conſtantly maintained and kept within each dioceſs of this kingdom, which have generally been maintained and kept,

28 *H.* 8. 15 and 12 *Eliz.* 1. have not had deſired effect from connivance at popiſh ſchools.

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but have not had the desired effect, by reason of such Irish popish schools being too much connived at, and all other acts and statutes now in force in this realm concerning schools, shall from henceforth be strictly observed and put in execution, according to the good intent and design of the same; and for the more effectual doing thereof the justices of his Majesty's court of King's-bench each term, and the judges of assize in their respective circuits, and the justices of peace in their general sessions of peace, are required to give this and the said former acts in charge, from time to time, to the several grand juries to be then impannelled and charged, and to be very circumspect in seeing the same put in due execution.

Said acts and all others in force concerning schools to be put in execution.

Justices of *B. R.* assize, and peace, to give this and said acts in charge, and to be very circumspect in the execution.

19 G. 2. 7. to be read at assizes.

CHAP. V.

An Act for the better securing the Government, by disarming Papists.

2 W. and *M.* *25. Eng.* *13 G. 2. 6.*

FOR preserving the publick peace, and quieting the kingdom from all dangers of insurrection and rebellion for the future; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all Papists within this kingdom of Ireland shall, before the first day of March next ensuing, discover and deliver up to some justice or justices of the peace, or to the mayor, bayliff, or head-officer of the county, city, town corporate, or place repectively, where such papist shall dwell and reside, all their arms, armour and ammunition, of what kind soever the same be, which are in his or their hands or possession, or in the hands of any other person or persons in trust for them, or at their disposition, notwithstanding any licence or permission for keeping the same heretofore granted: and that from and after the said first day of March one thousand six hundred ninety five, it shall and may be lawful for any two or more justices of the peace within the limits of their jurisdiction and authority, and to all mayors, sheriffs, and chief officers of cities and towns corporate in their liberties, by themselves, or by warrant or warrants under their hands and seals respectively, from time to time, to search for, seize, or cause to be searched for and seized, and take into his or their custody all such arms, armour and ammunition as shall be concealed in any house, lodging, or other places where they shall suspect any such arms, armour, or ammunition shall be concealed; and such arms, armour and ammunition,

Papists before the first of March next to deliver up all arms to justice of peace or head officer.

Notwithstanding any licence granted.

Two justices, *&c.* may search for and seise the same, for the King's use.

ſo taken or ſeized, upon ſearch and otherwiſe as aforeſaid, ſhall by the perſon or perſons ſo receiving, taking, and ſeizing the ſame, be preſerved for the uſe of his Majeſty, his heirs and ſucceſſors; and the ſaid perſons ſhall return a true and particular account thereof to the lord deputy, or other chief governor or governors of this kingdom, for the time being, to the end the ſame may be brought into his Majeſty's ſtores of war, or be diſpoſed of as he or they ſhall think fit.

and return a true account thereof to chief governors.

II. Provided nevertheleſs, That no ſuch ſearch or ſearches ſhall be made in any ſuch houſe, houſes or lodgings, ſave only between the riſing and ſetting of the ſun, other than in cities and their ſuburbs, towns corporate, market towns, and houſes of ſuch cities and towns, if it ſhall be ſo thought neceſſary, and the warrant or warrants for that purpoſe do direct and appoint; and in caſe ſuch juſtices of the peace, mayor, ſovereign, bayliff, or other chief magiſtrate or officer of any city or town corporate, after ſuch ſearch made, ſhall find cauſe to ſuſpect that any arms, armour or ammunition remain concealed, and not ſeized as aforeſaid, they are hereby reſpectively impowered and required to cauſe ſuch perſon or perſons, whom he or they ſhall ſuſpect to have concealed the ſame, to be brought before him or them, and to be examined upon his, her, or their corporal oath, concerning the ſame.

Search to be only between ſun riſing and ſetting, except in cities, &c.

Perſons ſuſpected of concealing arms may be examined on oath.

III. And be it further enacted by the authority aforeſaid, That every ſuch papiſt who ſhall have or keep any ſuch arms, armour or ammunition, who ſhall not diſcover and deliver up the ſame by the time aforeſaid; and every other perſon or perſons, who wittingly or willingly ſhall have any ſuch arms, armour, or ammunition, to the uſe of or in truſt for any ſuch papiſt, contrary to the true meaning and intent hereof, and alſo every ſuch perſon or perſons, who, upon demand or ſearch made for ſuch arms, armour, or ammunition as aforeſaid, ſhall refuſe to declare and manifeſt to the juſtice or juſtices of the peace, mayors, bayliffs, head-officers, or other perſons authorized and impowered for ſeizing and ſearching for all ſuch arms, armour, and ammunition in mannner as aforeſaid, what arms, armour, and ammunition they, or any other to his knowledge, or with his privity, have, or ſhall let, hinder or diſturb the delivery thereof to any the ſaid juſtices of the peace, or any other perſon or perſons authorized by warrant as aforeſaid to ſearch for, take, and ſeize the ſame, and every other perſon and perſons, who ſhall refuſe to make diſcovery upon his, her, or their oath, to be adminiſtred by ſuch juſtices of the peace, mayor, bayliff, or other chief officer

Perſons not diſcovering or delivering up arms, or refuſing or hindering ſearch, or to appear upon due ſummons to be examined.

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of any city, or town corporate, concerning the premiſſes, as aforeſaid, or being ſummoned by warrant under the hands of two or more juſtices of the peace, whereof notice in writing to be given to him, or her, or left at his or her uſual place of abode, ſhall, without reaſonable cauſe, refuſe or neglect to appear before ſuch juſtices of the peace, mayors, ſovereigns, bayliffs, or other chief magiſtrates, as aforeſaid, to be examined as aforeſaid; every ſuch perſon or perſons ſo offending, contrary to this ſtatute in this behalf, ſhall forfeit in manner following (that is to ſay) if ſuch perſon or perſons be a peer or peereſs of this realm, he, ſhe and they ſhall, for the firſt offence, forfeit the ſum of one hundred pounds *ſterling*; and if ſuch perſon or perſons ſhall offend a ſecond time, contrary to the true intent and meaning thereof, then ſuch perſon or perſons ſhall, for the ſecond offence, incur the penalty of a perſon attainted in a premunire, and being thereof convicted, ſhall ſuffer puniſhment accordingly: and if ſuch perſon or perſons offending herein, contrary to the true intent of this act, ſhall be under the degree of a peer or peereſs, then he, ſhe, or they ſo offending ſhall for the firſt offence, being thereof lawfully convicted upon any indictment or information to be exhibited at the aſſizes or general quarter-ſeſſions of the peace, to be held for the county where ſuch offence ſhall be committed, loſe and forfeit the ſum of thirty pounds; and ſhall ſuffer impriſonment by order of the juſtices of aſſize at the aſſizes, or juſtices of the peace in their general quarter-ſeſſions of the peace, without bail or mainprize, for one year; and from thenceforward until he, ſhe, or they ſhall pay the penalty aforeſaid: and if ſuch perſon or perſons ſhall offend a ſecond time, contrary to the true intent and meaning hereof, then ſuch perſon or perſons ſo offending ſhall for ſuch ſecond offence, being convicted of the firſt offence, incur and ſuffer all the pain and penalties of perſons attainted in a premunire; the ſaid penalties and ſums of money ſo to be forfeit, as aforeſaid, by ſuch peer or peereſs, to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record; in which ſaid action of debt, bill, plaint, or information, no eſſoyne, protection, nor wager of law ſhall be allowed, nor more than one imparlance granted; one moiety thereof to be and go to the uſe of his Majeſty, his heirs and ſucceſſors, and the other moiety to ſuch perſon or perſons who ſhall ſue for the ſame,

Penalty, if a peer, 100l. firſt offence.

Premunire the ſecond.

13 G. 2. 6. *other penalties.*

if under that degree 50l. firſt offence, and impriſonment one year, &c.

Premunire the ſecond.

Said forfeiture by a peer to the King and proſecutor.

IV. Provided always, That this act, or any thing therein contained, ſhall not extend, or be conſtrued to extend to hinder or reſtrain any noblemen or gentleman from keeping or uſing a ſword,

Noblemen or gentlemen may keep a ſword, caſe of piſtols and gun for defence or fowling;

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ſword, and a caſe of piſtols, and a gun for the defence of his houſe, or for fowling; ſo as ſuch nobleman or gentleman before the ſaid firſt day of March, in the year of our Lord one thouſand ſix hundred ninety five, ſhall make proof, to the ſatisfaction of the lord deputy, or other chief governor or governors, and the privy-council of this kingdom of Ireland, that he, upon the third day of October, in the year of our lord one thouſand ſix hundred ninety one, was an inhabitant or reſident of Limerick, or ſome other garriſon then in the poſſeſſion of the Iriſh, or was then ſome officer or ſoldier then in arms, under a commiſſion of the late King James, or thoſe authorized under him, to grant the ſame in the counties of Limerick, Clare, Kerry, Cork, or Mayo, or under their protection in the ſaid counties; or was then a commiſſioned officer in his Majeſty's quarters belonging to the Iriſh regiments then in being, which were treated with, not being then a priſoner of war, nor having before that time taken protection, and that he has ſince returned and ſubmitted to his Majeſty's obedience, and ſhall alſo prove as aforeſaid, that he was upon the ſaid third day of October within this kingdom; and ſo as ſuch nobleman or gentleman hath not any time ſince the ſaid third day of October, upon tender to him, refuſed to take the oath of allegiance, required to be taken by an act of Parliament in England, made in the firſt year of the reign of his preſent Majeſty, and of the late Queen Mary of bleſſed memory; and ſhall take the ſaid oath when he ſhall be thereunto required; or ſhall prove as aforeſaid, that he was upon the one and twentieth day of July, which was in the year of our Lord one thouſand ſix hundred ninety one, a gentleman of eſtate, then belonging to the town and garriſon of Gallway; but that ſuch nobleman or gentleman reſpectively, ſo making proof, and being qualified as aforeſaid, may keep and make uſe of a ſword, a caſe of piſtols, and a gun, for defence of his houſe, or for fowling, in ſuch manner as he might have done in caſe this act had never been made; any thing herein contained to contrary in any wiſe notwithſtanding.

upon proof of being on 3 October 1691 inhabitant of Limerick or Iriſh garriſon,

or in arms under commiſſion of K. James, *&c.*

or officer treated with, not then priſoner, and ſince ſubmitting;

and in the kingdom 3 October 1691;

and taking oath of allegiance 1 *W.* and *M. Eng.*

or on 21 July 1691, of eſtate belonging to Galway.

V. Provided always, That an entry ſhall be made of ſuch proof, and that no gratuity, fee, or reward whatſoever, ſhall be taken by any perſon, other than the ſum of one ſhilling for the making ſuch proof, or for the entry thereof.

Entry to be made of ſuch proof.

Fee 1*s.*

VI. Provided always, That no perſon ſhall be convicted, or incur any penalty upon this act for any offence committed contrary thereto, upon any confeſſion or diſcovery he or ſhe ſhall make, being examined upon oath, unleſs ſuch offence ſhall be made out by other proof, any thing herein contained to the contrary notwithſtanding.

Offences to be made out by other proof beſides confeſſion or diſcovery on oath, in order to conviction.

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VII. Provided always, That the lord deputy, or other chief governor or governors, and privy-council of this realm for the time being, may, by order of privy-council, at any time after the ſaid firſt day of March one thouſand ſix hundred ninety five, licenſe any perſon or perſons, as he and they ſhall think fit, to keep ſuch arms as ſhall be particularly expreſſed in ſuch licence, in as full and ample manner as ſuch chief governor or governors heretofore might have done before the paſſing of this preſent act; any thing herein contained to the contrary notwithſtanding; which licence ſhall be granted without any gratuity, fee, or reward, other than the ſum of one ſhilling for the writing thereof.

Licence by chief governors and council to keep arms particularly expreſſed,

Fee 1s.

VIII. And be it further enacted by the authority aforeſaid, That from and after the end of this preſent ſeſſions of Parliament, no perſon whatſoever now, or at any time whatſoever, exerciſing or uſing the myſtery or art of making any locks or barrels for guns, muſquets, piſtols, or other fire-arms, or of making ſwords, bayonets, ſkeines, knives, or other weapons, ſhall take to prentice, or uſe, receive, or inſtruct as an apprentice, any perſon of the popiſh religion, on pain that every perſon ſo offending in entertaining ſuch popiſh perſon to be an apprentice, or uſing, receiving, or inſtructing him as ſuch, ſhall for every ſuch offence forfeit the ſum of twenty pounds, to be recovered by bill, plaint, or information, in any of his Majeſty's courts of record, wherein no eſſoyne, protection, or wager of law is to be allowed, nor more than one imparlance granted; the one moiety of all ſuch forfeitures to be to his Majeſty, his heirs and ſucceſſors, and the other moiety to the informer, or him or them that ſhall or will ſue for the ſame.

Popiſh apprentices not to be taken by makers of fire-arms or weapons.

Penalty 20l.

IX. And moreover, the indenture of apprenticeſhip, and all bonds and contracts to be made or entered into, by reaſon or occaſion of any ſuch popiſh perſon being put to be an apprentice as aforeſaid, ſhall be void, and are hereby declared to be void; and every ſuch perſon of the popiſh religion, who ſhall be hereafter put to be an apprentice, inſtructed contrary to the true meaning of this act, and who ſhall exerciſe the ſaid art or myſtery, ſhall for every ſuch offence in uſing or exerciſing the ſaid art or myſtery, or any part thereof, forfeit the ſum of twenty pounds, to be ſued for and recovered as aforeſaid to the uſes before-mentioned; and the juſtices of the peace, mayors, ſovereigns, and other head officers of cities, burroughs, and towns corporate reſpectively, are hereby authorized and required to ſend for all apprentices of ſuch perſons exerciſing the art and myſtery aforeſaid, whom they ſhall ſuſpect, and ſhall tender to them the

Indenture of apprenticeſhip, bonds & contracts, void.

Penalty 20l. on ſuch apprentices exerciſing ſuch trade.

the oaths and declaration following, to be by them reſpectively taken and ſubſcribed. A. D. 1695. Chap. 5.

Oaths and declaration tendered to ſuch ſuſpected apprentices.

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful and bear true allegiance to his Majeſty King William.*

So help me God.

I A. B. *do ſwear, That I do from my heart abhor, deteſt and abjure, as impious and heretical, that damnable doctrine and poſition that princes excommunicated or deprived by the pope, or any authority of the ſee of Rome, may be depoſed or murdered by their ſubjects, or any other whatſoever. And I do declare, That no foreign prince, perſon, prelate, ſtate or potentate, hath or ought to have any juriſdiction, power, ſuperiority, pre-eminence or authority, eccleſiaſtical or ſpiritual, within this realm.*

So help me God.

I A. B. *do ſolemnly and ſincerely, in the preſence of God, profeſs, teſtify and declare, That I do believe, that, in the ſacrament of the Lord's-Supper there is not any tranſubſtantiation of the elements of bread and wine into the body and blood of Chriſt, at or after the conſecration thereof, by any perſon whatſoever; and, that the invocation or adoration of the Virgin Mary, or any other ſaint, and the ſacrifice of the maſs, as they are now uſed in the church of Rome, are ſuperſtitious and idolatrous. And I do ſolemnly in the preſence of God, profeſs, teſtify and declare, that I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words read unto me, as they are commonly underſtood by Proteſtants, without any evaſion, equivocation, or mental reſervation whatſoever; and without any diſpenſation already granted me for this purpoſe by the Pope, or any other authority or perſon whatſoever, or without any hope of any ſuch diſpenſation from any perſon or authority whatſoever, or without believing that I am, or can be acquitted before God or man, or abſolved from this declaration, or any part thereof, although the Pope or any other perſon or perſons, or power whatſoever ſhall diſpenſe with, or annul the ſame, or declare that it was null and void from the beginning.*

Refuſal to amount to conviction of apprentice, and alſo of the maſter, unleſs he proves that at entering into ſervice he was a known or reputed proteſtant.

And the refuſal of ſuch perſon or perſons to take the ſaid oaths, or ſubſcribe the ſaid declaration, ſhall be and are hereby declared to be a conviction of ſuch perſons ſo refuſing the ſame, of his being guilty, as alſo of the maſter of ſuch apprentice, unleſs ſuch maſter ſhall prove that ſuch apprentice, at the time of entering his ſervice, was known or reputed to be of the proteſtant religion.

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Papiſts not to keep horſes of 5l. value. 8 *Anne* 3. *ſtud mares and ſtallions excepted, unleſs upon invaſion.*

X. And be it further enacted, That no papiſt ſhall, at any time from and after the twentieth day of January, one thouſand ſix hundred ninety five, be capable to have or keep in his poſſeſſion, or in the poſſeſſion of any other perſon to his uſe, or at his diſpoſition, any horſe, gelding or mare, which ſhall be of the value of five pounds or more; and that if any perſon being of the proteſtant religion, ſhall make diſcovery upon oath of any ſuch horſe or horſes to be in the poſſeſſion of ſuch papiſt, or of any perſon in truſt for him, to any two juſtices of the peace, or to the mayor, or other chief magiſtrate of any city or town corporate, that ſuch juſtice of the peace, mayor, or other chief magiſtrate, within their reſpective precincts, ſhall from time to time, by warrant under his and their hands and ſeals, authorize ſuch perſon, with the aſſiſtance of the conſtable, or his deputy, or ſuch other perſon as he or they ſhall think fit, who are hereby required to be aiding and aſſiſting therein, in the day time only, to ſearch for and ſecure all and every ſuch horſe and horſes; and in caſe of oppoſition or reſiſtance, to break open any door, and bring ſuch horſe or horſes before him or them; and ſuch perſon being of the proteſtant religion, and making ſuch diſcovery, paying or making tender before ſuch juſtices, mayor, or other chief magiſtrate of any city or town corporate, of the ſum of five pounds five ſhillings to the owner or poſſeſſor of ſuch horſe, or to ſuch juſtice or chief magiſtrate in his or their abſence; which the ſaid juſtice or chief magiſtrate are hereby authorized to receive for the uſe of ſuch owner or poſſeſſor; and that from and after ſuch payment, or tender and refuſal, the property of ſuch horſe or horſes for which ſuch ſum or ſums ſhall be reſpectively tendered or paid, ſhall, by authority of this preſent act, be deemed and adjudged to be veſted in the perſon making ſuch diſcovery and tender, as if ſuch horſe and horſes had been bought and ſold in market overt; and the ſaid juſtices of the peace, mayor, bailiff, or other head-officer is and are hereby authorized and required, by warrant under his and their hands and ſeals, to cauſe ſuch horſe and horſes to be delivered accordingly.

Proteſtant diſcovering on oath to 2 juſtices, *&c.* may with conſtable or aſſiſtants appointed ſearch for in day-time and ſecure ſuch horſes,

and break open doors in caſe of oppoſition,

and on paying 5l. 5s. to or for the owner, ſhall have the property of ſuch horſe, as if bought in market overt.

Penalty of concealing ſuch horſes upon conviction by 2 witneſſes before a juſtice, impriſonment and treble value of the horſes,

XI. And be it further enacted, That if any perſon ſhall conceal, or be aiding or aſſiſting in the concealing, any ſuch horſe or horſes belonging to any papiſt, or ſuſpected papiſt, refuſing to take the oaths and ſubſcribe the declaration aforeſaid, ſuch perſon or perſons, being thereof duly convicted by the oaths of two or more credible witneſſes, before any juſtice of the peace of the county where ſuch horſe or horſes ſhall be concealed, ſhall be committed to the common goal, by warrant from the ſaid juſtice, there to remain without bail or mainprize by the ſpace of

three months, and ſhall forfeit and loſe to his Majeſty, and his ſucceſſors, treble the value of ſuch horſe or horſes; which value is to be ſettled by the juſtices of the peace in their general-quarter-ſeſſions of the peace in the reſpective counties, who are hereby authorized to continue ſuch perſon in priſon, until due payment of ſuch ſum of money, to the uſe of his Majeſty, his heirs and ſucceſſors.

the value ſettled at quarter ſeſſ.

XII. And it is hereby declared, that every perſon ſhall be deemed and taken to be a papiſt, within the meaning of this preſent act, who ſhall refuſe to take the oaths, and ſubſcribe the declaration herein before-mentioned, when the ſame ſhall be tendred to him by any juſtice or juſtices of the peace; which ſaid oaths and declaration the ſaid juſtices of the peace and chief magiſtrates are hereby authorized and required to adminiſter, if any ſuch perſon or perſons ſhall deny him or themſelves to be a papiſt within the meaning of this act; and if any ſuch perſon or perſon ſhall take the ſaid oaths, and ſubſcribe the ſaid declaration, the ſaid juſtice or juſtices of the peace ſhall certify under his hand his or their taking the ſaid oaths, and return the ſaid declaration to the next quarter-ſeſſions to be held for the ſaid county, there to be recorded as in ſuch caſes is uſual.

Perſons refuſing the oaths and declaration deemed papiſts.

if taken, and ſubſcribed, to be certified and recorded at quarter ſeſſ.

XIII. And be it further enacted by the authority aforeſaid, That if any juſtice or juſtices of the peace, mayors, ſovereigns, bayliffs, or chief magiſtrates, or officers of any county or town corporate reſpectively, ſhall neglect or refuſe to execute any the powers or authorities which he or they is or are reſpectively required by this preſent act to put in execution, every ſuch juſtice of the peace, mayor, ſovereign, bayliff, or chief magiſtrate, or officer, ſhall for every ſuch default or offence loſe and forfeit the ſum of fifty pounds, to be recovered in any of his Majeſty's courts of record, by bill, plaint or information, wherein no eſſoyne, protection, or wager of law ſhall be allowed, nor more than one imparlance granted; the one moiety of ſuch forfeiture to be to his Majeſty, his heirs and ſucceſſors; and the other moiety to ſuch perſon as ſhall or will ſue for the ſame; and the ſaid offenders ſhall be moreover and are hereby diſabled and made incapable, from and after his being convicted, to act as juſtice of the peace, mayor, ſovereign, bayliff, or chief magiſtrate, or officer in any county, city, or town corporate in this kingdom.

Magiſtrates neglecting or refuſing to execute this act forfeit 50l. and diſabled to act.

This intended as a perpetual law, 13 *G.* 2. 6.

A. D. 1695.

CHAP. VI.

An Act for the better ſettling of Inteſtates Eſtates.

22 & 23 C. 2. 10. *Eng.*

BE it enacted by the King's moſt excellent Majeſty, with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all ordinaries, as well the judge or judges of the prerogative court of the archbiſhop of Ardmagh, for the time being, as all other ordinaries and eccleſiaſtical judges, and every of them, having power to commit adminiſtration of the goods, chattles and credits of perſons dying inteſtate, ſhall and may upon their reſpective granting and committing of adminiſtrations of the goods, chattles, and credits of perſons dying inteſtate, after the feaſt of the purification of the Bleſſed Virgin Mary, in this preſent year of our Lord one thouſand ſix hundred ninety five, take and require of the reſpective perſon or perſons, to whom any adminiſtration is to be committed, ſufficient bonds, with two or more able ſureties, reſpect being had to the value of the eſtate, in the name of the ordinary, with the condition in manner and form following, *mutatis mutandis*, *viz.*

Ordinaries upon granting adminiſtration ſhall take bonds with ſureties, having reſpect to the value of the eſtate.

Condition of the bonds,

The condition of this obligation is ſuch, That if the within bounden A. B. *adminiſtrator of all and ſingular the goods, chattles, and credits of* E. D. *deceaſed, do make, or cauſe to be made, a true and perfect inventory of all and ſingular the goods and chattles, and credit of the ſaid* E. D. *deceaſed, which have, or ſhall come to the hands, poſſeſſion or knowledge of him the ſaid* A. B. *or into the hands or poſſeſſion of any other perſon or perſons for him, and the ſame ſo made do exhibit, or cauſe to be exhibited in the regiſtry of at, or before the day of next enſuing, and the ſame goods, chattles and credits, and all other the goods, chattles, and credits of the ſaid decoaſed at the time of his death, which at any time hereafter ſhall come to the hands or poſſeſſion of the ſaid* A. B. *or into the hands or poſſeſſion of any other perſon or perſons for him, do well and truly adminiſter according to law; and further do make, or cauſe to be made, a true and juſt account of his ſaid adminiſtration, at or before the day of and all the reſt and reſidue of the ſaid goods, chattles, and credits which ſhall be found remaining upon the ſaid adminiſtrator's account, the ſame being firſt examined and allowed of by the judge or judges for the time being of the ſaid court, ſhall deliver and pay unto ſuch perſon or perſons reſpectively, as the ſaid judge and judges, by his or their decree or ſentence, purſuant to the true intent and meaning of*

to make perfect inventory.

exhibit it at a certain day,

truly adminiſter,

make juſt account of adminiſtration,

pay and deliver reſidue.

this act, ſhall limit and appoint; and if it ſhall hereafter appear, that any laſt will or teſtament was made by the ſaid deceaſed, and the executor or executors therein named do exhibit the ſame into the ſaid court, making requeſt to have it allowed and approved accordingly, if the ſaid A. B. *within bounden, being thereunto required, do render and deliver the ſaid letters of adminiſtration, approbation of ſuch teſtament being firſt had and made in the ſaid court, then this obligation to be void and of none effect, or elſe to remain in full force and vertue.*

if any will appears and approved, to deliver the letters of adminiſtration upon requeſt.

Which bonds are hereby declared and enacted to be good in law, to all intents and purpoſes, and pleadable in any courts of juſtice; and alſo, that the ſaid ordinaries and judges reſpectively ſhall, and may, and are enabled to proceed againſt and call ſuch adminiſtrators to account, for and touching the goods of any perſon dying inteſtate, and upon hearing and due conſideration thereof, to order and make juſt and equal diſtribution of what remaineth clear after all debts, funeral charges, and juſt expences of every ſort firſt allowed and deducted, amongſt the wife and children, or childrens children, if any ſuch be, otherwiſe to the next of kindred to the dead perſon in equal degree, or legally repreſenting their ſtocks, *pro ſuo cuiq; jure*, according to the law in ſuch caſes, and the rules and limitations hereafter ſet down, and the ſame diſtribution to decree and ſettle, and to compel ſuch adminiſtrators to obſerve and pay the ſame by due courſe of his Majeſty's eccleſiaſtical laws: ſaving to every one, ſuppoſing him or themſelves aggrieved, their right of appeal, as was always in ſuch caſes uſed.

Such bonds good and pleadable.

Ordinaries may call adminiſtrators to account.

and after debts and funeral charges diſtribute amongſt wife and children, &c.

and compel adminiſtrator to pay accordingly by due courſe of eccleſiaſtical laws.

Saving right of appeal.

II. Provided always, and be it enacted by the authority aforeſaid, That all ordinaries, and every other perſon, who by this act is enabled to make diſtribution of the ſurpluſage of the eſtate of any perſon dying inteſtate, ſhall diſtribute the whole ſurpluſage of ſuch eſtate or eſtates in manner and form following (that is to ſay) one third part of the ſaid ſurpluſage to the wife of the inteſtate, and all the reſidue by equal portions to and amongſt the children of ſuch perſons dying inteſtate, and ſuch perſons as legally repreſent ſuch children, in caſe any of the ſaid children be then dead, other than ſuch child or children (not being heir at law) who ſhall have any eſtate by the ſettlement of the inteſtate, or ſhall be advanced by the inteſtate in his life time by portion or portions, equal to the ſhare which ſhall by ſuch diſtribution be allotted to the other children to whom ſuch diſtribution is to be made; and in caſe any child (other than the heir at law) who ſhall have any eſtate by ſettlement from the ſaid inteſtate, or ſhall be advanced by the ſaid inteſtate in his life-

How and to whom the ſurplus diſtributed.

One third to wife of inteſtate,

reſidue equally among the children and their repreſentatives,

except a child (not being heir at law) advanced by inteſtate by a portion equal to the diſtributive ſhare.

if ſuch advancement not equal, to be

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life-time by portion, not equal to the ſhare which ſhall be due to the other children by ſuch diſtribution as aforeſaid, then ſo much of the ſurpluſage of the eſtate of ſuch inteſtate to be diſtributed to ſuch child or children, as ſhall have any land by ſettlement from the inteſtate, or were advanced in the life-time of the inteſtate, as ſhall make the eſtate of all the ſaid children to be equal, as near as can be eſtimated: but the heir at law, notwithſtanding any land which he ſhall have by deſcent or otherwiſe from the inteſtate, is to have an equal part in the diſtribution with the reſt of the children, without any conſideration of the value of lands which he hath by deſcent, or otherwiſe from the inteſtate. And in caſe there be no children, nor any legal repreſentatives of them, then one moiety of the ſaid eſtate to be allotted to the wife of the ſaid inteſtate; the reſidue of the ſaid eſtate to be diſtributed equally to every of the next of kindred of the inteſtate, who were in equal degree, and thoſe who legally repreſent them.

made ſo out of the ſurplus.

Heir at law, notwithſtanding lands by deſcent or otherwiſe, to have diſtributive ſhare.

If no children, or their repreſentatives, half to wife: reſidue to next of kin in equal degree.

III. Provided that there be no repreſentations admitted amongſt collaterals after brothers and ſiſters children: and in caſe there be no wife, then all the eſtate to be diſtributed equally to, and amongſt the children: and in caſe there be no child, then to the next of kindred in equal degree of, or unto the inteſtate, and their legal repreſentatives as aforeſaid, and in no other manner whatſoever.

No repreſentation after brothers and ſiſters children.

If no wife, the whole among the children; if no child, the next of kin in equal degree.

IV. Provided alſo, and be it likewiſe enacted by the authority aforeſaid, to the end that a due regard be had to creditors, that no ſuch diſtribution of the goods of any perſon dying inteſtate be made till after one year be fully expired after the inteſtate's death; and that ſuch and every perſon, to whom any diſtribution or ſhare ſhall be allotted, ſhall give bonds with ſufficient ſureties in the ſaid courts (which ſaid bonds ſhall be likewiſe good in law, and pleadable in any courts of juſtice) that if any debt or debts truely owing by the inteſtate ſhall be afterwards ſued for and recovered, or otherwiſe duly made to appear, that then and in every ſuch caſe he or ſhe ſhall reſpectively refund and pay back to the adminiſtrator his or her rateable part of ſuch debt or debts, and of the coſts of ſuite and charges of the adminiſtrator by reaſon of ſuch debt, out of the part and ſhare ſo as aforeſaid allotted to him or her, thereby to enable the ſaid adminiſtrator to pay and ſatisfy the ſaid debt or debts ſo diſcovered after the diſtribution made as aforeſaid.

No diſtribution till after one year.

Bonds to be given to refund proportionably if debts afterwards appear.

V. Provided always, and be it further enacted by the authority aforeſaid, That in all caſes where the ordinary hath uſed heretofore to grant adminiſtration *cum teſtamento annexo*, he ſhall continue ſo to do, and the will of the deceaſed in ſuch teſtament expreſſed

Not to extend to adminiſtration *cum teſtamento annexo*.

expreſſed ſhall be performed and obſerved in ſuch manner as it ſhould have been if this act had never been made.

VI. Provided always, That neither this act, nor any thing therein contained, ſhall be conſtrued to extend to the eſtates of *femes covert* that ſhall die inteſtate, but that their huſbands may demand and have adminiſtration of their rights, credits, and other perſonal eſtates, and recover and enjoy the ſame, as they might have done before the making of this act.

nor to eſtates of *femes covert*, which ſhall go to the huſband as before. 29 *C.* 2. 3. ſec. 25. *Eng.*

VII. Provided alſo, and it is hereby further enacted, That no adminiſtrator ſhall from henceforth be cited into any of the courts in this act mentioned, to render an account of the perſonal eſtates of his inteſtate, otherwiſe than by an inventory or inventories thereof, unleſs it be at the inſtance or proſecution of ſome perſon or perſons in behalf of a minor, or having a demand out of ſuch eſtate as a creditor, or next of kin, and ſhall not be compellable to account before any the ordinaries or judges by this act impowered and appointed to take the ſame, otherwiſe than as is aforeſaid.

Adminiſtrators not to be cited to account otherwiſe than by inventory, unleſs at inſtance of a minor, creditor, or next of kin. 1 *J.* 2. 17. ſec. 6. *Eng.*

VIII. And be it further enacted by the authority aforeſaid, That if after the death of a father, any of his children ſhall die inteſtate without wife or children, in the life-time of the mother, every brother and ſiſter, and the repreſentatives of them, ſhall have an equal ſhare with her; any law, uſage, or cuſtom to the contrary notwithſtanding.

Brothers and ſiſters of a child dying inteſtate after death of the father without wife or children, ſhare equally with the mother. 1 *Ja.* 2. 17. ſec. 7. *Eng.*

IX. And whereas it hath been heretofore uſed, That in caſe any executor or adminiſtrator to any perſon deceaſed, did obtain any judgment or judgments in law in any of his Majeſty's courts of record within this kingdom of Ireland, in his or their own name or names, for any debt due unto his or their teſtator or inteſtate, and did happen to die before any execution ſued forth by him or them upon ſuch judgment or judgments, the effect or benefit of ſuch judgment or judgments was wholly loſt; and ſuch perſon or perſons to whom letters of adminiſtration of the goods unadminiſtred to ſuch firſt teſtator or inteſtate were committed, could not by the rules of law, have any benefit or advantage of ſuch judgment or judgments by *ſcire facias*, or otherwiſe, but were forced for the recovering of ſuch debt or duty, to ſue forth a new original, to their great expence and delay: for remedy whereof, be it enacted by the authority aforeſaid, that from henceforth in all ſuch caſes it ſhall and may be lawful for any adminiſtrator or adminſtrators of the goods unadminſtred of ſuch firſt teſtator or inteſtate to ſue forth any writ or writs of *ſcir. fac.* upon any ſuch judgment or judgments ſo had and obtained in the name or names of ſuch executor or adminiſtrator, and have the benefit and advantage of ſuch judgment or judgments as fully to

Adminiſtrator *de bonis non &c.* may ſue *ſci. fa.* upon judgment by executor or adminiſtrator. 17 *C.* 2. 8. *Eng.*

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all intents and purpoſes as ſuch executor or adminiſtrator himſelf might have had, if he or they had been living and ſued forth ſuch writ or writs upon any ſuch judgment; any law, cuſtom or uſage to the contrary hereof in any wiſe notwithſtanding.

Cuſtom of Ireland by which only one third, or a moiety of perſonal eſtate ſubject to the party's diſpoſition by will, or to go in courſe of adminiſtration if no will, made void.

X. And whereas it has been held, that there is a certain cuſtom within this kingdom of Ireland to the effect following, that is to ſay, that if any perſon dye poſſeſſed of or intitled to any goods, things in action, or perſonal eſtate whatſoever; and having at the time of his death, a wife, or child, or children, that in ſuch caſe all the ſaid eſtate is to be divided into three equal parts, whereof one third part belongs to the wife, another to the child or children, and the other third part only to be ſubject to the diſpoſition of the party deceaſed by his laſt will or teſtament, in caſe he make any, or to go in a courſe of adminiſtration in caſe he dye inteſtate; and if he leave a wife only, and no child or children, then the ſaid eſtate to be divided into two parts, whereof the one moiety to go to the wife, and the other moiety only to be ſubject to his diſpoſition by will as aforeſaid, otherwiſe to go in a courſe of adminiſtration in caſe he dye inteſtate; and ſo in like manner if he ſhall leave a child or children, and no wife: now it is hereby declared, that the ſaid cuſtom ſhall from henceforth be abſolutely null and void to all intents and purpoſes whatſoever, and ſhall not be taken to be in force, or to be binding to any perſon or perſons whatſoever..

Executors and adminiſtrators of executor in his own wrong, or adminiſtrator waſting or converting, &c. chargeable out of the aſſets.

30 *C.* 2. 7. *Eng.*

XI. And whereas the executors and adminiſtrators of ſuch perſons who have poſſeſſed themſelves of conſiderable perſonal eſtates of other dead perſons, and converted the ſame to their own uſe, have no remedy by the rules of the common law, as it now ſtands, to pay the debts of thoſe perſons whoſe eſtate hath been ſo converted by their teſtator or inteſtate, which hath been found very miſchievous, and many creditors defeated of their juſt debts, although their debtors left behind them ſufficient to ſatisfie the ſame with a great overplus: for remedy whereof, be it further enacted by the authority aforeſaid, that all and every the executors and adminiſtrators of any perſon or perſons, who as executor or executors in his or their own wrong, or as adminiſtrator, ſhall, from and after the fifth day of November, in this preſent year of our Lord one thouſand ſix hundred ninety and five, waſte or convert any goods, chattles, eſtate, or aſſetts of any perſon deceaſed, to their own uſe, ſhall be liable and chargeable to make good the ſame out of the aſſetts of ſuch teſtator or inteſtate. 6

CHAP.

CHAP. VII.

An Act for reviving two Statutes lately expired, and making them perpetual; and for avoiding unneceſſary Suites and Delays.

Statutes 17 & 18 *C.* 2. 11. & 17 & 18 *C.* 2. 12. revived and made perpetual.

WHEREAS in a Parliament held in the ſeventeenth and eighteenth years of the reign of King Charles the ſecond, the ſeveral ſtatutes hereafter mentioned, were enacted, *viz.* one act intituled, *An Act to prevent delays in extending ſtatutes, judgments, and recognizances*; and one other act intituled, *An Act to prevent arreſts of judgments and ſuperſeding executions*; both which acts are now expired, but by experience have been found to be good and profitable laws for this kingdom, and fit to be revived and made perpetual: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid ſeveral ſtatutes, and every of them, and all and every the branches and clauſes in them and every of them contained, are hereby revived, and ſhall from henceforth be, remain, and continue in force and effect for ever.

Death of either party between verdict and judgment, not error, if judgment entered in two terms. 17 *C.* 2. 8. *Eng.*

II. And be it further enacted by the authority aforeſaid, That in all actions real and perſonal, or mixt, the death of either party between the verdict and the judgment ſhall not be hereafter alledged for error, ſo as judgment be entered within two terms after ſuch verdict.

CHAP. VIII.

An Act for Redreſs of Inconveniencies for want of Proof of the Deceaſes of Perſons beyond the Seas, or abſenting themſelves, upon whoſe Lives Eſtates do depend.

19 *C.* 2. 6. *Eng.*

Miſchief to leſſors and reverſioners, by being put to prove the death of perſons for whoſe lives eſtates held.

WHEREAS divers lords of manors and others have uſed to grant eſtates by leaſe for one or more life or lives, or elſe for years determinable upon one or more life or lives; and it hath often happened, that ſuch perſon or perſons, for whoſe life or lives ſuch eſtates have been granted, have gone beyond the ſeas and abſented themſelves for many years, that the leſſors and revertioners cannot find out whether ſuch perſon or perſons be alive or dead, by reaſon whereof ſuch leſſors and revertioners have been held out of poſſeſſion of their tenements for many years after all the lives upon which ſuch eſtates depend are dead, in regard that the leſſors and the revertioners, when they

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have brought actions for the recovery of their tenements, have been put upon it to prove the death of their tenants, when it is almoſt impoſſible for them to diſcover the ſame: for remedy of which miſchief ſo frequently happening to ſuch leſſors or revertioners, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if ſuch perſon or perſons, for whoſe life or lives ſuch eſtates have been or ſhall be granted as aforeſaid, ſhall remain beyond the ſeas, or elſewhere abſent themſelves in this realm, by the ſpace of ſeven years together, and no ſufficient and evident proof be made of the lives of ſuch perſon or perſons reſpectively, in any action commenced for the recovery of ſuch tenements by the leſſors or revertioners, their heirs or aſſigns; the judges, before whom ſuch action ſhall be brought, ſhall direct the jury to give their verdict, as if the perſon ſo remaining beyond the ſeas, or otherwiſe abſenting himſelf, were dead.

Perſons for whoſe lives eſtates granted, abſent or beyond ſeas for ſeven years, and no proof of their lives in action by leſſor or revertioner, ſhall be accounted as dead.

II. And be it further enacted, That in any ſuch action wherein the life or death of any ſuch perſon or perſons ſhall come in queſtion between the leſſor or revertioner and the tenant in poſſeſſion, it ſhall and may be lawful for the leſſor or revertioner to take exception to any of the jurors returned for the trial of that cauſe, that the greateſt part of the real eſtate of any ſuch juror is held by leaſe for life or lives, who upon proof thereof ſhall be ſet aſide, as in caſe of other legal challenges.

Jurors upon ſuch trial, the greateſt part of whoſe eſtate held by leaſes for lives, may be challenged.

III. Provided always, and be it enacted, That if any perſon or perſons ſhall be evicted out of any lands or tenements by virtue of this act, and afterwards, if ſuch perſon or perſons, upon whoſe life or lives ſuch eſtate or eſtates depend, ſhall return again from beyond the ſeas, or ſhall on proof, in any action to be brought for the recovery of the ſame, be made appear to be living, or to have been living at the time of the eviction, that then and from thenceforth, the tenant or leſſee, who was outed of the ſame, his or their executors, adminiſtrators, or aſſigns, ſhall or may re-enter, re-poſſeſs, have, hold, and enjoy the ſaid lands or tenements, as in his or their former eſtate, for and during the life or lives, or ſo long term as the ſaid perſon or perſons upon whoſe life or lives the ſaid eſtate or eſtates depend, ſhall be living; and ſhall alſo upon action or actions to be brought by him or them againſt the leſſors, revertioners, or tenants in poſſeſſion, or other perſons reſpectively, which ſince the time of the ſaid eviction received the profits of the ſaid lands or tenements, recover for damages the full profits of the ſaid lands or tenements reſpectively, with lawful intereſt, for and from the

If ſaid perſons return after, or proved to have been living at time of, eviction; leſſee may re-enter and recover damages the full profits received, with intereſt, as well where ſaid perſons are dead at time of bringing the action, as if living.

ſime that he or they were outed of the ſaid lands or tenements, and kept and held out of the ſame by the ſaid leſſors, reverſtioners, tenants, or other perſons, who after the ſaid eviction received the profits of the ſaid lands or tenements, or any of them reſpectively, as well in the caſe where the ſaid perſon or perſons, upon whoſe life or lives ſuch eſtate or eſtates did depend, are or ſhall be dead at the time of bringing the ſaid action or actions as if the ſaid perſon or perſons were then living. A. D. 1695.

CHAP. IX.

An Act for the more effectual ſuppreſſing of Profane Curſing and Swearing.

WHEREAS it is found by experience, that an act of Parliament made in the tenth and eleventh years of the reign of King Charles the firſt, intituled, *An Act to prevent and reform prophane ſwearing and curſing*, hath proved ineffectual to the ſuppreſſing of thoſe deteſtable ſins, by reaſon of ſome deficiency in the ſaid act: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That if any perſon or perſons ſhall after the fifth day of November, in this preſent year of our lord one thouſand ſix hundred ninety and five, prophanely ſwear and curſe in the preſence or hearing of any juſtice of peace of the county, diviſion, or of the mayor, or other head officer or juſtice of peace, for any city or town-corporate, where ſuch offence is or ſhall be committed, or that ſhall be thereof convicted by the oath of one witneſs, or by the confeſſion of the party offending, before any juſtice of the peace of the county, or mayor or bayliff, or other chief officer, or juſtice of the peace of ſuch city or town corporate, where the ſaid offence ſhall be committed; that then for every ſuch offence, the party ſo offending ſhall forfeit and pay to the uſe of the poor of the pariſh, where ſuch offence or offences ſhall be committed, the reſpective ſums herein after mentioned: that is to ſay, every ſervant, day-labourer, common ſoldier, and common ſeaman, one ſhilling, and every other perſon two ſhillings: and in caſe any of the perſons aforeſaid ſhall after conviction offend a ſecond time, ſuch perſons ſhall forfeit and pay double; and if a third time, treble the ſum reſpectively by him or her to be paid for the firſt offence.

6 & 7 *Will.* 3. *Eng.*

10 & 11 *C.* 1. 1. defective.

Forfeitures of ſeveral degrees of perſons for ſwearing.

In preſence or hearing of a juſtice, &c.

Conviction by oath of one witneſs or confeſſion.

Forfeitures to poor of the pariſh.

Servants, day-labourers, ſoldiers and ſeamen, 1s. other perſons 2s. ſecond offence double. third treble.

II. And it is hereby further enacted, That upon neglect or refuſal of payment of the ſaid forfeiture, any juſtice of peace of the county, or mayor, or other head officer, or juſtice of peace of any

Levied by diſtreſs and ſale, upon warrant to conſtable, &c.

A. D. 1695. Chap. 9.

city or town corporate where the ſaid offence ſhall be committed, ſhall and are hereby authorized and required to direct and ſend his warrant to the conſtable, tything-man, church-warden, or overſeer of the poor of the pariſh where the offence ſhall be committed, or where the offender ſhall inhabit, thereby commanding them, or ſome one or more of them, to levy by diſtreſs and ſale of the goods of the offender, the ſum ſo forfeited for the uſe of the poor of the pariſh as aforeſaid; and in caſe no ſuch diſtreſs can be had, then every ſuch offender, being above the age of ſixteen years, ſhall by warrant under the hand and ſeal of the ſaid juſtice of peace, or other officer as aforeſaid, be publickly ſet in the ſtocks for the ſpace of one hour for every ſingle offence, and for any number of offences whereof he ſhall be convicted at one and the ſame time, then two hours; and if the party offending be under the age of ſixteen years, and ſhall not forthwith pay the ſaid forfeitures, then he or ſhe ſhall, by warrant as aforeſaid, be whipt by the conſtable, or by the parent, guardian, or maſter of ſuch offender, in the preſence of the conſtable.

In default of diſtreſs, to be ſet in ſtocks, if above 16:

If under, whipped.

Five pounds penalty upon magiſtrates neglecting.

III. And be it further enacted, That if any juſtice of the peace or chief magiſtrate ſhall wilfully and willingly omit the performance of his duty in the execution of this act, he ſhall forfeit the ſum of five pounds; the one moyety to the uſe of the informer, to be recovered by action, ſuite, bill, or plaint, in any of his Majeſty's courts, wherein no eſſoyne, protection, or wager of law ſhall be allowed, nor any more than one imparlance granted.

In ſuits for executing this act, defendant may plead general iſſue, and may have treble coſts.

IV. And it is hereby further enacted, That if any action or ſuite ſhall be commenced or brought againſt any juſtice of peace, conſtable, or other officer or perſon whatſoever, for doing or cauſing to be done any thing in purſuance of this act concerning the ſaid offences, the defendant in ſuch action may plead the general iſſue, and give the ſpecial matter in evidence; and if upon ſuch action verdict be given for the defendant, or the plaintiff become non-ſuite, or diſcontinue his action, then the defendant ſhall have treble coſts.

Offenders to be proſecuted in ten days.

V. Provided always, and it is hereby enacted, That no perſon ſhall be proſecuted or troubled for any offence againſt this ſtatute, unleſs the ſame be proved or proſecuted within ten days next after the offence committed.

The act to be read in churches four Sundays, on pain of 20s.

VI. And it is further enacted by the authority aforeſaid, That this act ſhall be publickly read four times in the year in all pariſh churches and all publick chappels, by the parſon, vicar, or curate of the reſpective pariſhes or chappels, immediately after morning prayers on four ſeveral Sundays; that is to ſay, the Sunday next after the fifth day of November in this preſent

year

year of our Lord one thouſand ſix hundred ninety five; the fifth day of February following; the fifth day of May which will be in the year of our Lord one thouſand ſix hundred ninety ſix; and the fifth day of Auguſt following, under the pain of twenty ſhillings for every ſuch omiſſion or neglect. A. D. 1695.

Convictions to be regiſtered, and certified to the ſeſſions.

VII. And be it further enacted by authority aforeſaid, That the juſtices of peace, mayor, or other head officer, ſhall regiſter in a book, to be kept for that purpoſe, all the convictions made before him upon this act, and the time of making thereof, and for what offence; and ſhall certifie the ſame to the next general quarter-ſeſſions of the peace for the ſaid county or place where the offences are committed, to be there kept upon record by the reſpective clerks of the peace, to be ſeen without fee or rewards.

CHAP. X.

An Act to take away Damage clear.

17 C. 2. 6. *Eng.*

WHEREAS the moneys which are taken by prothonotaries of your Majeſty's courts of King's Bench and Common Pleas, and by the clerk of your Majeſty's court of Exchequer at Dublin, and the clerks and prothonotaries in any other court within this realm, in the name of *damna clericorum*, or damage clear, are an unneceſſary charge and burthen to all your Majeſty's ſubjects, who have good cauſe, and put to ſue for damage in actions where damages are recoverable: for avoiding of which inconveniency for the future, and that your Majeſty's ſubjects may have an eaſier means for the recovery of their damages and juſt rights, which are unjuſtly detained from them, may it pleaſe your moſt excellent Majeſty that it may be enacted, and his moſt excellent Majeſty, being willing upon all occaſions to eaſe his ſubjects of all unneceſſary charges and burthens, is graciouſly pleaſed that it be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no damage clear ſhall, by any title or pretence whatſoever, be due, payable, taken, or received from any perſon or perſons in any action whatſoever ſued or proſecuted in any of his Majeſty's courts at Dublin, or elſewhere within the kingdom of Ireland, by any prothonotary, clerk or clerks, or other officer or officers of the ſaid courts reſpectively; and that the ſaid fee of *damna clericor.* or damage clear, ſhall wholly ceaſe, and be for ever aboliſhed in the ſaid courts; and that if any prothonotary, clerk

Damna clericorum, an unneceſſary charge.

Aboliſhed.

Clerks and other officers of courts taking or exacting the ſame, or any thing in lieu thereof, forfeit treble to the party.

A. D. 1695.

clerk or clerks, or other officer in any of the ſaid courts, ſhall take or exact any ſum or ſums of money, in the name of *damna clericor.* or damage clear, or any thing in lieu thereof; or if any of the ſaid prothonotaries, clerk or clerks, or their deputies, ſhall exact or take any damage clear, or ſum of money, bond or ſecurity, in lieu thereof, from any plaintiff or plaintiffs, demandant or demandants, in any action where damages have been or hereafter ſhall be recovered in any of the ſaid courts, or ſhall refuſe or delay to ſign any judgment until damage clear be firſt paid by the plaintiff or demandant, he or they ſo offending ſhall forfeit treble the ſum ſo taken, exacted, or demanded, to the party or parties grieved; to be recovered by bill, plaint, or information in any of the ſaid courts, wherein no eſſoyn, protection, or wager of law ſhall be allowed.

CHAP. XI.

An Act to take away the Benefit of Clergy from him that doth ſtab another, not having a Weapon drawn.

1 *Jac.* 1. 8. *Eng.* Clergy taken away from him who ſtabs or thruſts another not having a weapon drawn or ſtriking firſt, ſo as he thereof dies in ſix months, tho' no proof of malice.

TO the end that ſtabbing and killing men on the ſudden, done and committed by many inhumane and wicked perſons in the time of their rage, drunkenneſs, hidden diſpleaſure, or other paſſion of mind, contrary to the commandment of Almighty God, and the common peace and tranquility of this realm, may from henceforth be reſtrained, for fear of due puniſhment to be inflicted on ſuch cruel and bloody malefactors, who heretofore have been thereunto emboldened by preſuming on the benefit of the clergy; be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every perſon and perſons who after the end of this preſent Parliament ſhall ſtab or thruſt any perſon or perſons that hath not then any weapon drawn, or that hath not then firſt ſtricken the party which ſhall ſo ſtab or thruſt, ſo as the perſon or perſons ſo ſtabbed or thruſt ſhall thereof die within the ſpace of ſix months then next following, although it cannot be proved that the ſame was done of malice fore-thought; yet the party ſo offending, and being thereof convicted by verdict of twelve men, confeſſion, or otherwiſe, according to the laws of this realm, ſhall be excluded from the benefit of his or their clergy, and ſuffer death as in caſe of felony, without benefit of clergy.

II. Provided always, That this act, or any thing therein contained, ſhall not extend to any perſon or perſons which ſhall kill

any perſon *ſe defendendo*, or by misfortune, or in any other manner than as aforeſaid; nor ſhall extend to any perſon or perſons, who, in keeping and preſerving the peace, ſhall chance to commit manſlaughter, ſo as the ſaid manſlaughter be not committed wittingly, willingly, and of purpoſe, under pretext and colour of keeping the peace; nor ſhall extend to any perſon or perſons, which, in chaſtizeing or correcting his child or ſervant, ſhall, beſides his or their intent and purpoſe, chance to commit manſlaughter.

A. D. 1695.

Not to extend to killing *ſe defendendo*, by misfortune, or in preſerving the peace (unleſs willingly and under colour thereof) or in correcting a child or ſervant.

CHAP. XII.

An Act for Prevention of Frauds and Perjuries.

29 *C.* 2. 3. *Eng.*

FOR prevention of many fraudulent practices which are commonly endeavoured to be upheld by perjury, and ſubornation of perjury; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the feaſt day of the nativity of St. John Baptiſt, which ſhall be in the year of our Lord one thouſand ſix hundred ninety-ſix, all leaſes, eſtates, intereſts, freeholds or terms of years, or any uncertain intereſt of, into, or out of any meſſuages, mannors, lands, tenements, or hereditaments made and created by livery of *ſeizen* only, or by parole, and not put in writing, and ſigned by the parties ſo making and creating the ſame, or their agents thereunto lawfully authorized by writing, ſhall have the force and effect of leaſes and eſtates at will only; and ſhall not either in law or equity be deemed or taken to have any other or greater force and effect; any conſideration for making ſuch parole leaſes or eſtates, or any former law or uſage, to the contrary notwithſtanding; except nevertheleſs all leaſes not exceeding the term of three years from the making thereof, whereupon the rent reſerved to the landlord, during ſuch term, ſhall amount unto two third parts at the leaſt of the full improved value of the thing demiſed: and moreover, that no eſtates, leaſes, or intereſts, either of freehold, or term of years, or any uncertain intereſt, not being copy-hold or cuſtomary intereſt, of, into, or out of any meſſuages, lands, tenements or hereditaments, ſhall at any time after the ſaid feaſt day of the nativity of St. John the Baptiſt, which ſhall be in the ſaid year of our Lord God one thouſand ſix hundred ninety and ſix, be aſſigned, granted, or ſurrendered, unleſs it be by deed or note in writing, ſigned by the parties ſo aſſigning, granting or

Parol leaſes and intereſts in lands ſhall have the force of eſtates at will only.

Except leaſes not above three years, where two thirds of the full improved value reſerved.

No eſtate or intereſt (not being copy-hold or cuſtomary) in land ſhall be aſſigned, granted or ſurrendered, unleſs by writing ſigned, or by act of law.

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ſurrendering the ſame, or their agents thereunto lawfully authorized by writing, or by act and operation of law.

Executor or adminiſtrator not to be charged upon ſpecial promiſe out of his own eſtate, or defendant upon ſpecial promiſe for debt, &c. of another, or upon agreement on conſideration of marriage, or contract or ſale of lands, or any agreement not to be performed in a year, unleſs in writing and ſigned.

II. And be it further enacted by the authority aforeſaid, That from and after the ſaid feaſt day of the nativity of St. John the Baptiſt, which ſhall be in the ſaid year of our Lord one thouſand ſix hundred and ninety-ſix, no action ſhall be brought whereby to charge any executor or adminiſtrator upon any ſpecial promiſe, to anſwer damages out of his own eſtate, or whereby to charge the defendant upon any ſpecial promiſe to anſwer for the debt, default, or miſcarriage of another perſon, or to charge any perſon upon any agreement made upon conſideration of marriage, or upon any contract or ſale of lands, tenements, or hereditaments, or any intereſt in or concerning them, or upon any agreement that is not to be performed within the ſpace of one year from the making thereof, unleſs the agreement upon which ſuch action ſhall be brought, or ſome memorandum or note thereof, ſhall be in writing, and ſigned by the party to be charged therewith, or ſome other perſon thereunto by him lawfully authorized.

Deviſes of land muſt be in writing and ſigned, and atteſted and ſubſcribed by three witneſſes in deviſor's preſence. 25 G. 2. 11.

III. And be it further enacted by the authority aforeſaid, That from and after the ſaid feaſt day of the nativity of St. John the Baptiſt, which ſhall be in the ſaid year of our Lord one thouſand ſix hundred ninety and ſix, all deviſes and bequeſts of any lands, tenements or hereditaments, deviſable, either by force of the ſtatute of wills, or by this ſtatute, or by force of the cuſtom of any burrough, or any other particular cuſtom, ſhall be in writing, and ſigned by the party ſo deviſing the ſame, or by ſome other perſon in his preſence, and by his expreſs directions, and ſhall be atteſted and ſubſcribed in the preſence of the ſaid deviſor, by three or more credible witneſſes, or elſe they ſhall be utterly void and of none effect: and moreover no deviſe in writing of any lands, tenements or hereditaments, that at any time after the ſaid feaſt day of the nativity of St. John the Baptiſt, which ſhall be in the ſaid year of our Lord God one thouſand ſix hundred ninety and ſix, be revocable, otherwiſe than by ſome other will or codicil in writing, or other writing declaring the ſame, or by burning, cancelling, tearing, or obliterating the ſame by the teſtator himſelf, or in his preſence, and by his directions and conſent; but all deviſes and bequeſts of lands and tenements ſhall remain and continue in force until the ſame be burnt, cancelled, torn, or obliterated by the teſtator, or his directions in manner aforeſaid; or unleſs the ſame be altered by ſome other will or codicil in writing, or other writing of the deviſors, ſigned in the preſence of three or more witneſſes declaring the ſame; any former law or uſage to the contrary notwithſtanding.

Such deviſe not revocable unleſs by other will or codicil in writing, or writing declaring the ſame, or by burning, &c. by teſtator, or by his directions and in his preſence,

IV. And

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IV. And be it further enacted by the authority aforeſaid, That from and after the ſaid feaſt day of the nativity of St. John the Baptiſt, which ſhall be in the ſaid year of our Lord God one thouſand ſix hundred ninety and ſix, all declarations or creations of any truſts or confidences of any lands, tenements, or hereditaments, ſhall be manifeſted and proved by ſome writing ſigned by the party who is by law enabled to declare ſuch truſt, or by his laſt will in writing, or elſe they ſhall be utterly void and of none effect.

Declarations or creations of truſts of lands ſhall be in writing and ſigned, or by laſt will in writing. *Explained by 6 Anne* 10.

V. Provided always, that where any conveyance ſhall be made of any lands or tenements, by which a truſt or confidence ſhall or may ariſe by implication or conſtruction of law, or to be transferred or extinguiſhed by act or operation of law, then, and in every ſuch caſe, ſuch truſt or confidence ſhall be of the like force and effect as the ſame would have been if this ſtatute had not been made; any thing herein before contained to the contrary notwithſtanding.

Not to extend to truſts ariſing by implication, or transferred or extinguiſhed by act of law.

VI. And be it further enacted, That all grants and aſſignments of any truſt or confidence ſhall likewiſe be in writing, ſigned by the party granting or aſſigning the ſame, or by ſuch laſt will and deviſe, or elſe ſhall likewiſe be utterly void and of none effect.

Grants and aſſignments of truſts ſhall be in writing ſigned, or by ſuch laſt will.

VII. And be it further enacted by the authority aforeſaid, That from and after the ſaid feaſt day of the nativity of St. John the Baptiſt, which ſhall be in the year of our Lord God one thouſand ſix hundred and ninety-ſix, it ſhall and may be lawful for every ſheriff, or other officer, to whom any precept or writ is or ſhall be directed at the ſuite of any perſon or perſons of, for, and upon any judgment, ſtatute or recognizance hereafter to be made, or had, to do, make, and deliver execution unto the party in that behalf ſueing, of all ſuch lands, tenements, rectories, tyths, rents, and hereditaments, as any other perſon or perſons be in any manner of wiſe ſeized or poſſeſſed in truſt for him, againſt whom execution is ſo ſued, like as the ſheriff or other officer might or ought to have done, if the ſaid party againſt whom execution hereafter ſhall be ſo ſued had been ſeized of ſuch lands, tenements, rectories, tyths, rents, or other hereditaments of ſuch eſtate as they be ſeized of in truſt for him at the time of the ſaid execution ſued; which lands, tenements, rectories, tyths, rents, or other hereditaments, by force and vertue of ſuch executions ſhall accordingly be held and enjoyed, freed, and diſcharged from all incumbrances of ſuch perſon or perſons, as ſhall be ſo ſeized or poſſeſſed in truſt for the perſon againſt whom ſuch execution ſhall be ſued: and if any *ceſtuyque* truſt hereafter ſhall dye, leaving a truſt in fee-ſimple to deſcend

Lands, &c. in truſt, may be delivered in execution upon judgments, &c. as if *ceſt. q'* truſt in poſſeſſion.

and held free from incumbrances of thoſe ſeiſed in truſt.

Truſt in fee-ſim. deſcending to heir of *ceſtuy q'* truſt,

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to his heirs, there and in every ſuch caſe, ſuch truſt ſhall be deemed and taken, and is hereby declared to be, aſſets by deſcent, and the heir ſhall be lyable to and chargeable with the obligation of his anceſtor for or by reaſon of ſuch aſſets, as fully and amply as he might and ought to have been, if the eſtate in law had deſcended to him in poſſeſſion, in like manner as the truſt deſcended; any law, cuſtom, or uſage to the contrary in any wiſe notwithſtanding.

aſſets; and chargeable with obligation of anceſtor, as if the eſtate deſcended in poſſeſſion.

VIII. Provided always, That no heir who ſhall become chargeable by reaſon of any eſtate or truſt made aſſetts in his hands by this law, ſhall by reaſon of any kind of plea, or confeſſion of the action, or ſuffering judgment by *Nient de dire*, or any other matter, be chargeable to pay the condemnation out of his own eſtate, but execution ſhall be ſued of the whole eſtate ſo made aſſetts in his hands by deſcent, in whoſe hands ſoever it ſhall come after the writ purchaſed, in the ſame manner as it is to be at and by the common law, where the heir at law pleading a true plea, judgment is prayed againſt him thereupon; any thing in this preſent act contained to the contrary notwithſtanding.

But heir not chargeable out of his own eſtate by reaſon of any plea, &c.

IX. And for the amendment of the law in the particulars following: be it further enacted by the authority aforeſaid, That from henceforth any eſtate *pur auter vie*, ſhall be deviſeable by a will in writing ſigned by the party ſo deviſing the ſame, or by ſome other perſon in his preſence, and by his expreſs direction atteſted and ſubſcribed in the preſence of the deviſor, by three or more witneſſes; and if no ſuch deviſe thereof be made, the ſame ſhall be chargeable in the hands of the heir, if it ſhall come to him by reaſon of a ſpecial occupancy, as aſſets by deſcent, as in caſe of lands in fee-ſimple; and in caſe there be no ſpecial occupant thereof, it ſhall go to the executors or adminiſtrators of the party that had the eſtate thereof by vertue of the grant, and ſhall be aſſetts in their hands.

Eſtates *pour aut. vie* deviſeable; and if no deviſe, aſſets by deſcent.

If no ſpecial occupant, aſſets in hands of executor or adminiſtrator.

X. And whereas it hath been found miſchievous, that judgments in the King's courts at Dublin do many times relate to the firſt day of the term whereof they are entred, or to the day of the return of the original, or fileing the bail, and bind the defendants lands from that time, although in truth they were acknowledged, or ſuffered, or ſigned in the vacation-time after the ſaid term, whereby many times purchaſers find themſelves aggrieved: be it enacted therefore by the authority aforeſaid, That from and after the ſaid feaſt-day of the nativity of St. John the Baptiſt, which ſhall be in the ſaid year of our Lord God one thouſand ſix hundred ninety-ſix, any judge or officer in his Majeſty's courts at Dublin, that ſhall ſign any judgment, ſhall at the ſigning of the ſame, without fee for ſo doing of the ſame,

Miſchievous to purchaſers that judgments ſigned in vacation ſhould relate to firſt day of the term, &c.

Day of ſigning judgments ſhall without fee be ſet.

set down the day of the month and year of his so doing, upon the paper, book, docket, or record, which he shall sign; which day of the month and year shall be also entered upon the margent of the roll of the record where the said judgment shall be entered.

set down upon the record, and entered upon the margent of the roll, *and by 3 G. 2. 7. the day on which brought to be entered.*

XI. And be it enacted, That such judgments as against purchasers, *bona fide*, for valuable considerations of lands, tenements, or hereditaments, to be charged thereby, shall, in consideration of law, be judgments only from such time as they shall be so signed, and shall not relate to the first day of the term whereof they are entred, or the day of the return of the original, or fileing the bail; any law, or usage, or course of any court, to the contrary notwithstanding.

and as against purchasers shall be judgments from time of signing only. *3 G. 2. 7.*

XII. And be it further enacted by the authority aforesaid, That from and after the said feast-day of the nativity of St. John the Baptist, which shall be in the said year of our Lord God one thousand six hundred ninety and six, no writ of *fier. fac.* or other writ of execution shall bind the property of the goods of the party against whom such writ of execution is sued forth, but from the time such writ shall be delivered to the sheriff, under-sheriff, or coroner to be executed: and for the better manifestation of the said time, the sheriff, under-sheriff, and coroners, their deputies and agents, shall upon the receipt of any such writ, without fee for doing the same, endorse upon the backside thereof the day of the month and year whereon he or they received the same.

Writs of execution shall bind property of goods but from the time of delivery of the writ to officer, who shall indorse the day of receiving it.

XIII. And be it further enacted by the authority aforesaid, That from and after the said feast-day of the nativity of St. John the Baptist, which shall be in the said year of our Lord God one thousand six hundred and ninety-six, no contract for the sale of any goods, wares, or merchandizes, for the price of ten pounds *sterl.* or upwards, shall be allowed to be good, except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or other agents thereunto lawfully authorized.

No contract for sale of goods for 10*l.* allowed unless buyer actually receive part, or give earnest, or in part payment, or that some note in writing signed by the parties.

XIV. And be it further enacted by the authority aforesaid, That the day of the month and year of the inrolment of the recognizances, shall be set down in the margent of the roll where the said recognizances are inrolled; and that from and after the said feast-day of St. John the Baptist, which shall be in the said year of our Lord God one thousand six hundred and ninety-six, no recognizances shall bind any lands, tenements, or hereditaments, in the hands of any purchaser *bona fide*, and for valuable consideration,

Day of inrolment of recognisances shall be set down in margent of the roll, and lands in hands of purchasers bound from that time only.

A. D. 1695. Chap. 12.

Fraud in nuncupative wills.

No nuncupative will of more than 30l. good, not proved by three witneſſes preſent, made in laſt ſickneſs, and at dwelling of teſtator for ten days preceding, except he is ſurpriſed by ſickneſs abroad, and died before return. *Explained by 6 Anne 10.*

No teſtimony thereof after ſix months received unleſs committed to writing in ſix days after making the will.

No probate thereof till 14 days after teſtator's death, and proceſs firſt to iſſue to widow or next of kin.

No will in writing of perſonal eſtate repealed or altered by word of mouth, except committed to writing in teſtator's life, allowed by him, and ſo proved by 3 witneſſes.

Wills of perſonal eſtates by ſoldiers and ſeamen in actual ſervice excepted.

ſideration, but from the time of ſuch inrolment; any law, uſage, or courſe of any court, to the contrary notwithſtanding.

XV. And for prevention of fraudulent practices in ſetting up nuncupative wills, which have been the occaſion of much perjury, be it enacted by the authority aforeſaid, That from and after the ſaid feaſt-day of St. John the Baptiſt, which ſhall be in the ſaid year of our Lord God one thouſand ſix hundred ninety ſix, no nuncupative will ſhall be good, where the eſtate thereby bequeathed ſhall exceed the value of thirty pounds, that is not proved by the oaths of three witneſſes (at leaſt) that were preſent at the making thereof; nor unleſs it be proved that the teſtator, at the time of pronouncing the ſame, did bid the perſons preſent, or ſome of them, bear witneſs that ſuch was his will, or to that effect; nor unleſs ſuch nuncupative will were made in the time of the laſt ſickneſs of the deceaſed, and in the houſe of his or their habitations or dwelling, or where he or ſhe hath been reſident for the ſpace of ten days or more next before the making of ſuch will; except where ſuch perſon were ſurprized or taken ſick, being from his own home, and dyed before he returned to the place of his or her dwelling.

XVI. And be it further enacted, That after ſix months paſſed after the ſpeaking of the pretended teſtamentary words, no teſtimony ſhall be received to prove any will nuncupative, except the ſaid teſtimony, or the ſubſtance thereof, were committed to writing within ſix days after the making of the ſaid will.

XVII. And be it further enacted, That no letters teſtamentary or probate of any nuncupative will ſhall paſs the ſeal of any court, till fourteen days at the leaſt after the deceaſe of the teſtator be fully expired; nor ſhall any nuncupative will be received to be proved, unleſs proceſs have firſt iſſued to call in the widow or next of kindred to the deceaſed, to the end they may conteſt the ſame, if they pleaſe.

XVIII. And be it further enacted, That no will in writing, concerning any goods or chattels, or perſonal eſtate, ſhall be repealed; nor ſhall any clauſe, deviſe, or bequeſt therein, be altered or changed by words or will, by word of mouth only, except the ſame be in the life of the teſtator committed to writing; and after the writing thereof read unto the teſtator, and allowed by him, and proved to be ſo done by three witneſſes at the leaſt.

XIX. Provided always, That notwithſtanding this act, any ſoldier being in actual military ſervice, or any mariner or ſeaman being at ſea, may diſpoſe of his moveables, wages, and perſonal eſtate, as he or they might have done before the making of this act.

XX. And

XX. And it is hereby declared, That nothing in this act ſhall extend to alter or change the juriſdiction or rights of probates of wills concerning perſonal eſtates; but that the prerogative court of the archbiſhop of Armagh, and other eccleſiaſtical courts, and other courts having right to the probate of ſuch wills, ſhall retain the ſame right and power as they had before in every reſpect; ſubject nevertheleſs to the rules and directions of this act. A. D. 1695. Juriſdiction of courts for probates of wills concerning perſonal eſtates ſaved.

CHAP. XIII.

An Act for the more eaſy diſcharging of Sheriffs upon their Accounts; and from being Juſtices of the Peace.

WHEREAS divers ſheriffs of counties within this kingdom of Ireland have been often troubled and vexed long time after they have reſpectively paſſed their accounts, and obtained their *quietus eſt*, and charged anew with arrearages, debts and ſums of money pretended to have been by them levied or received, and not by them formerly accounted for, to the great diſcouragement of others to take upon them the ſaid office: his moſt excellent Majeſty is therefore graciouſly pleaſed that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every ſheriff or ſheriffs, who already have paſſed their accounts and obtained their *quietus*, and all and every ſheriff or ſheriffs, who hereafter ſhall paſs his or their accounts, and have his or their *quietus eſt*, that then, and from thenceforth the ſaid ſheriff and ſheriffs, his and their heirs, executors, and adminiſtrators, lands, tenements, goods and chattels are and ſhall be abſolutely diſcharged of and from all manner of ſum and ſums of money, which he or they ſhall have ſo levied or received, and pretended not to be accounted for within the ſaid account, whereupon he or they had his or their *quietus eſt*, unleſs ſuch ſheriff or ſheriffs, their executors or adminiſtrators, have been or ſhall be called in queſtion for ſuch ſum or ſums of money, to be levied or received, and not accounted for within the ſpace of four years after the time of ſuch account paſſed, and *quietus eſt* obtained: and that every officer or miniſter that ſhall ſend out or cauſe to be ſent out any writ or proceſs, or by whoſe default any writ or proceſs ſhall be ſent out contrary to the tenor of this act, ſhall for every ſuch offence forfeit and pay to the party grieved by ſuch writ or proceſs the ſum of forty pounds, with his coſts and damages; the ſaid ſum of forty pounds and the ſaid coſts and damages to be recovered by

21 *Ja.* 1. 5. *Eng.*

Sheriffs having paſſed accounts and obtained *quietus* abſolutely diſcharged, unleſs queſtioned in four years after.

Officers ſending writs contrary to this act forfeit to party grieved 40*l.* coſts and damages,

A. D. 1695.

action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at Dublin, at the election of the plaintiffs or proſecutors, wherein no priviledge, protection, eſſoyn, or wager of law, ſhall be allowed to the defendant.

After third offence diſabled to hold any office.

II. And be it further enacted by the authority aforeſaid, That every ſuch offender, being three times lawfully convicted of any ſuch offence or offences contrary to the true meaning of this act, ſhall, from and after ſuch their ſaid conviction, be utterly diſabled to hold or execute by himſelf, his deputy or deputies, any office or imployment in any court of juſtice whatſoever.

1 *Mary* 1. 8. ſtat. 2. *Eng.*

III. And whereas divers perſons, being in commiſſion of the peace, have been made ſheriffs or ſub-ſheriffs of the ſame county where they were in ſuch commiſſion, or, being ſheriffs or ſub-ſheriffs, have been after put into the commiſſion of the peace in the county where they were ſheriffs or ſub-ſheriffs, and have exerciſed both the ſaid offices at once in the ſame county, which is found to be inconvenient: for remedy whereof be it enacted by the authority aforeſaid, That no perſon or perſons having, uſing, or exerciſing the office of ſheriff or ſub-ſheriff of or in any county or counties, ſhall uſe or exerciſe the office of juſtice of the peace in the ſame county or counties where he or they ſhall be ſheriff or ſub-ſheriff, during the time that he or they ſhall uſe or exerciſe the ſaid office of ſheriff or ſub-ſheriff; and that all and every act and acts to be done from and after the end of this preſent ſeſſion of Parliament, as a juſtice of the peace, by any ſuch ſheriff or ſub-ſheriff, during the time of his being ſheriff or ſub-ſheriff, ſhall be void and of none effect, and ſhall loſe and forfeit for every ſuch offence the ſum of twenty pounds; one moiety thereof to be to the uſe of his Majeſty, his heirs and ſucceſſors; the other moiety to him who ſhall ſue for and recover the ſame by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at Dublin, wherein no eſſoyn, protection, or wager of law, ſhall be allowed.

Sheriff or ſub-ſheriff not to act as juſtice of peace in ſame county during his office.

Penalty ſol. to the King and proſecutor.

CHAP. XIV.

An Act declaring which Days in the Year ſhall be obſerved as Holy-Days.

Miſchief of pretended holydays.

WHEREAS many idle perſons refuſe to work at their lawful calling and labour on ſeveral days in the year, on pretence that the ſame is dedicated to ſome ſaint, or pretended ſaint, patron or pretended patron, for whom they have or pretend to have reverence or reſpect, and chuſe rather to ſpend ſuch dayes in idleneſs, drunkenneſs, and vice, to the ſcandal

A. D. 1695. Chap. 14.

of religion, rather than following and working in their lawful calling and uſual imployment, which hath been found by experience to tend very much to the impoveriſhing and hindring the improvement of this kingdom: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, that if any common labourer, being hired or other ſervant retained, ſhall refuſe to work upon any other day than the ſeveral days hereafter mentioned, being thereunto required, upon the uſual and accuſtomed wages, (that is to ſay) all Sundays in the year, the day of the feaſt of the circumciſion of our Lord Jeſus Chriſt, of the epiphany, of the converſion of St. Paul, of the purification of the Bleſſed Virgin; of Saint Matthias the apoſtle, of the annunciation of the Bleſſed Virgin, of Saint Mark the Evangeliſt, of Saint Philip and Jacob the apoſtles, of Saint Barnabas the apoſtle, of the aſcenſion of our Lord Jeſus Chriſt, of the nativity of Saint John the Baptiſt, of Saint Peter the apoſtle, of Saint James the apoſtle, of Saint Bartholomew the apoſtle, of Saint Matthew the apoſtle, of Saint Michael the Arch-angel, of Saint Luke the Evangeliſt, of Saint Simon and Saint Jude the apoſtles, of All-ſaints, of Saint Andrew the apoſtle, of Saint Thomas the apoſtle, of the nativity of our Lord, of Saint Stephen the Martyr, of Saint John the Evangeliſt, of the holy innocents, Monday and Tueſday in Eaſter week, Monday and Tueſday in Whitſon week, the twenty-third of October, fifth of November, the thirtieth day of January, and twenty ninth day of May, yearly: and that no other day, except the days aforeſaid, and ſuch other days as on ſome extraordinary occaſions ſhall hereafter be ſet apart by order of his Majeſty, his heirs and ſucceſſors, or the chief governor or governors of this kingdom for the time being, ſhall be kept, or commanded to be kept holy, or to abſtain from lawful bodily labour; every ſuch perſon or perſons ſo refuſing, being thereof lawfully convicted by his or their own confeſſion, or by the teſtimony of one or more ſufficient witneſs or witneſſes upon oath before any juſtice of the peace in any county, mayor, or other chief officer of any city, burrough, town, or corporation, who ſhall have power by vertue of this ſtatute to miniſter ſuch oaths where the offence ſhall be committed, or the party offending apprehended, ſhall forfeit the ſum of two ſhillings, to be paid at ſuch time, or to ſuch perſon as by the ſaid juſtice of the peace, or other chief officer aforeſaid, ſhall be appointed, to be diſpoſed of to the poor of the pariſh where ſuch offence ſhall be committed; and if ſuch

Labourers hired, or ſervants retained, refuſing to work for uſual wages upon other days than thoſe appointed by this act to be kept holy, or upon extraordinary occaſions ſet apart by the King or chief governor, forfeit 2s. to the poor of the pariſh. 5 & 6 *Ed.* 6. 3. *Eng.*

A. D. 1695. Chap. 14.

offender or offenders ſhall neglect or refuſe to pay the ſaid ſums to be aſſeſſed or appointed as aforeſaid, then the ſaid juſtice of the peace, or other head-officer aforeſaid, ſhall commit all and every ſuch offender and offenders to ſome conſtable, or other inferior officer of the county, city, town, or corporation, where the ſaid offence ſhall be committed, or the party apprehended, to be publickly whipped; which puniſhment ſhall be publickly inflicted and executed upon ſuch offenders within the ſpace of twenty four hours after ſuch order made.

On default of payment to be whipped.

II. And be it enacted by the authority aforeſaid, That if any conſtable or inferior officer aforeſaid, do refuſe, or do not at the commandment of any juſtice of the peace, or other chief officer of any county, city, town, or corporation, execute by himſelf, or by ſome other to be by him procured, the puniſhment aforeſaid upon all ſuch offenders, that in that caſe it ſhall and may be lawful for the ſaid juſtice of the peace, and all and every other juſtice or juſtices of the peace, or chief officer of any ſuch county, city, town, or corporation, upon ſufficient information thereof, to bind over ſuch conſtable, or inferior town-officer, to the next general quarter-ſeſſions of the peace, or general aſſizes or goal-delivery, which ſhall firſt happen, there to be proceeded againſt for ſuch his contempt; and in caſe he ſhall be found guilty thereof, upon examination of one or more witneſs or witneſſes, he ſhall be fined at the diſcretion of the court, ſo as ſuch fine for every ſuch offence do not exceed the ſum of twenty ſhillings.

Conſtable, &c. refuſing to execute ſaid puniſhment, to be bound over, and fined, not above 20s.

III. Provided always, That no juſtice of the peace, or head-officer of any town or corporation, do execute this ſtatute for any offence done unto himſelf, or whereof complaint was not made within ten days after ſuch refuſal to work, as aforeſaid; and all juſtices of aſſize and goal-delivery are hereby required to give this act in charge at every aſſize or goal-delivery within the ſeveral counties of their circuits; and to enquire of, hear and determine the neglect of all juſtices of the peace, and others, in the due execution of this ſtatute.

No juſtice, &c. to execute this ſtatute for offence to himſelf, or where complaint not within ten days.

This act to be given in charge and neglect of juſtices, &c. inquired of at aſſizes.

CHAP.

CHAP. XV.

A. D. 1695.

An Act for granting a Supply to his Majeſty, by raiſing Money by a Poll, and otherwiſe.

WE, your Majeſtie's moſt obedient and loyal ſubjects the commons of Ireland in Parliament aſſembled, being highly ſenſible of our deliverance wrought (under God) by your Majeſtie's courage and conduct, from the power of our inſulting and irreconcileable enemies, and of the benefits we have received ſince your Majeſtie's happy acceſſion to the crown, and ſtill enjoy under your auſpicious reign; and taking into our conſideration the great expence your Majeſty hath been put to, and is daily at, in the ſupport and goverament of this kingdom, exceeding the revenue thereof, which is now much fallen, through the want of trade, occaſioned by the preſent wars, do moſt humbly preſent unto your Majeſty, a free gift of the ſeveral ſums of money hereafter ſpecified, towards the ſupport of this kingdom, under your Majeſtie's obedience, to be raiſed and levied in ſuch manner as hereafter is expreſſed, and do beſeech your Majeſty to accept thereof; and that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and of the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons of what age, ſex, or condition ſoever, ſhall pay unto your Majeſty one ſhilling *ſterling*.

II. Provided always, That no perſon ſhall pay for more than two children under the age of ſixteen years, who is chargeable by this act with one ſhilling only, and no more.

III. And be it further enacted and ordained by the authority aforeſaid, That all and every perſon and perſons, who at the time of the execution of this act ſhall be of the ſeveral orders, ranks, and degrees hereafter mentioned, ſhall for the purpoſes aforeſaid contribute and pay unto your Majeſty, the ſeveral ſums of money hereafter in this act ſet down and appointed: (that is to ſay) every arch-biſhop of this kingdom ſhall pay the ſum of fifty pounds *ſterl.* every biſhop of this kingdom ſhall pay the ſum of twenty pounds *ſterl.* every dean of this kingdom ſhall pay the ſum of ten pounds *ſterl.* every arch-deacon of this kingdom ſhall pay the ſum of five pounds *ſterl.* every canon and prebend of this kingdom ſhall ſeverally pay the ſum of fifty ſhillings *ſterl.* every doctor of divinity, law, or phyſick, ſhall pay the ſum of five pounds *ſterl.* every parſon having two or more benefices with cure of ſouls of one hundred pounds *ſterl.* or upwards, ſhall pay five pounds *ſterl.* every parſon having one benefice with cure of ſouls, of the yearly value of one hundred pounds *ſterl.* ſhall pay three pounds *ſterl.* every parſon having one or more benefice or benefices with cure of ſouls, of the yearly value of fifty pounds *ſterl.* and under a hundred pounds yearly value, ſhall pay the ſum of one pound *ſterl.* every parſon having a ſine-cure or benefice without cure of ſouls, of the yearly value of one hundred pounds *ſterl.* ſhall pay the ſum of ten pounds *ſterl.* and ſo after the rate proportionably for any greater or leſſer ſine-cure or benefice without cure of ſouls, being under or above the yearly value of one hundred pounds *ſterl.* every parſon or incumbent having but one benefice with cure of ſouls, and not reſiding thereon, or having more benefices then one with cure of ſouls, and not reſiding on any one of them, ſhall pay for every ſuch benefice of the yearly value of one hundred pounds *ſterl.* the ſum of ten pounds *ſterl.* and after that rate proportionably for every greater or leſſer benefice; and every parſon having any benefice or benefices with cure of

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ſouls, under the yearly value of fifty pounds *ſterl.* ſhall pay the ſum of ten ſhillings *ſterl.*

IV. And be it further enacted by the authority aforeſaid, That every perſon and perſons who at the time of the execution of this act ſhall be of the ſeveral ranks and degrees hereafter mentioned, and ſhall be then within this kingdom, or hath any eſtate in lands, tenements, or hereditaments in the ſame, ſhall pay unto his Majeſty the ſeveral ſums of money hereafter in this act ſet down and appointed: (that is to ſay) every perſon of the degree of a duke of this kingdom ſhall pay the ſum of fifty pounds *ſterl.* every perſon of the degree of a marqueſs of, or having any eſtate in, this kingdom ſhall pay forty pounds; every perſon of the degree of an earl, inhabiting or reſiding within this kingdom at the time of the execution of this act, or having any eſtate in the ſame, ſhall pay the ſum of thirty pounds *ſterl.* every perſon of the degree of a viſcount, that ſhall be in this kingdom at the time of the execution of this act, or that hath any eſtate in the ſame, ſhall pay the ſum of twenty five pounds; and that every perſon being of the degree of a baron of this kingdom, who ſhall be in the ſame at the time of the execution of this act, or that hath any eſtate in this kingdom, ſhall pay the ſum of twenty pounds *ſterl.* and that every perſon being eldeſt ſon of ſuch duke, who is charged fifty pounds as aforeſaid, ſhall pay thirty pounds *ſterl.* every younger ſon of ſuch duke, ſo charged as aforeſaid, ſhall pay the ſum of twenty-five pounds *ſterl.* every eldeſt ſon of ſuch marqueſs as is before charged ſhall pay the ſum of twenty five pounds; every younger ſon of ſuch marqueſs ſhall pay the ſum of twenty pounds *ſterl.* every eldeſt ſon of ſuch earl, as is before charged with thirty pounds *ſterl.* ſhall pay the ſum of twenty pounds *ſterl.* every younger ſon of ſuch earl, as is charged as aforeſaid, the ſum of fifteen pounds *ſterl.* every eldeſt ſon of ſuch viſcount, charged by this act with the payment of twenty five pounds *ſterl.* the ſum of ſeventeen pounds and ten ſhillings *ſterl.* every younger ſon of ſuch viſcount, ſo charged as aforeſaid, the ſum of thirteen pounds ſix ſhillings and eight pence; every eldeſt ſon of ſuch baron, as is before charged by this act with the payment of the ſum of twenty pounds *ſterl.* the ſum of fifteen pounds *ſterl.* every younger ſon of ſuch baron ſo charged as aforeſaid the ſum of twelve pounds *ſterl.* every woman having the title of a peereſs of this kingdom, or who takes place as ſuch by diſcent, or by any grant from his Majeſty, or any of his predeceſſors, having any eſtate in lands, tenements, hereditaments, or otherwiſe in this kingdom, or that ſhall be in this kingdom at the time of the execution of this act, ſhall pay equal with any peer of the ſame degree; every widow of any nobleman, though married to a commoner, ſhall pay one full third part of what her former huſband being a peer, or reputed peer of this kingdom, whoſe relict ſhe was, ſhould or ought to have paid had he been living; every baronet of England, Scotland, or Ireland, or of Nova Scotia, and every knight of the Bath reſiding in this kingdom at the time of the execution of this act, or having any eſtate in lands, tenements, or hereditaments in this kingdom, ſhall pay the ſum of fifteen pounds *ſterl.* every knight batchellor reſiding in this kingdom at the time of the execution of this act, or having any eſtate in lands, tenements, or hereditaments in this kingdom, ſhall pay the ſum of ten pounds *ſterl.* every ſerjeant at law, being the King's ſerjeant, ſhall pay the ſum of twenty pounds *ſterl.* every perſon of the degree of an eſquire, or ſo reputed, or owning or writing himſelf ſuch, reſiding in this kingdom at the time of the execution of this act, or having any eſtate in lands, tenements, or hereditaments within this kingdom, and being of the age of ſixteen years or upwards, ſhall pay the ſum of five pounds *ſterl.* every gentleman, or reputed gentleman, or owning himſelf or writing himſelf ſuch, being above the age of ſixteen years, inhabiting or reſiding in this kingdom, or having any eſtate in lands, tenements, or hereditaments in this kingdom, ſhall pay the ſum of twenty ſhillings *ſterl.* every

widow respectively residing in this kingdom, or having any estate within the same, shall pay one third part rated by this act on that degree of which the husband of such wife was in his life time.

V. And be it further enacted by the authority aforesaid, That all judges, and every other person and persons, having at the time of the execution of this act any judicial or other office or place of profit, or who receives any salary from his Majesty, shall pay unto his Majesty the sum of three shillings out of every twenty shillings, which he or they do receive in one year by reason of such salary; every barrister, or who practises as such, attorney, sollicitor, scrivener, advocate, proctor, and publick notary, shall pay unto his Majesty two shillings out of every twenty shillings *sterl.* which they respectively shall receive by his or their respective practices or professions in one year; every curitor, philazer, clerk in chancery, and every chancellor, commissary, official register, and all other officers in any court whatsoever, who receives fees or perquisites by their professions or offices, shall pay unto his Majesty, two shillings out of every twenty shillings *sterl.* which they respectively shall receive by his or their respective offices, practices, or professions in one year; every town-clerk, treasurer of a county, and county clerk, who receive any salary or fee, shall pay unto his Majesty two shillings *sterl.* out of every twenty shillings which they shall respectively receive by reason of their salary or office in one year; every master in chancery, commissioners of the revenue, their secretary and sollicitor, shall pay unto his Majesty three shillings out of every twenty shillings *sterl.* which they shall receive in one year by his or their respective salarys or pay; every collector, and every other person whatsoever dependant upon them, or any of them, and the clerks of the commissioners of the treasury, shall respectively pay unto his Majesty two shillings *sterl.* out of every twenty shillings they shall receive in one year by reason of their salary, pay, or fee; the master of the light-houses, the pay-master and pay-masters-general, and his or their deputy and deputies, the lord high-treasurer and vice-treasurer, commissioners of appeals, commissioners of forfeitures, commissioners of accompts, the accomptant-general, their secretaries and sollicitors, shall respectively pay unto his Majesty three shillings out of every twenty shillings *sterl.* they shall respectively receive in one year by reason of their salary or pay; and every of their clerks respectively, shall pay unto his Majesty two shillings out of every twenty shillings *sterl.* which they respectively shall receive in one year by reason of their being clerks as aforesaid; the clerk of the council, every clerk of the crown, every clerk of the peace, and every clerk of *nisi prius*, the master, treasurer, and other officers of the royal hospital near Dublin, the surveyor general and other officers of the works, the master and clerk of the rolls and his deputy, the auditor general, the secretary of state, and secretaries to the chief governour, the King's and treasurer's remembrancers of the Exchequer, the clerks of the pells, and of the pipe, the clerk of the hanaper, and all other officers of the Exchequer, and their respective deputies, every judge advocate, and of the admiralty, and of the prerogative court of Ardmagh, shall pay to his Majesty three shillings for every twenty shillings which they shall respectively receive in one year by reason of their pay or salary; the seneschal, judges, and other officers, of the county palatine of Tipperary, and the deputy post-master-general, shall respectively pay unto his Majesty the sum of two shillings *sterl.* out of every twenty shillings which they shall receive in one year by reason of their respective salaries; the purse bearer, every examiner in chancery, and all other officers of the high court of chancery, every doctor and practicer in physick and chirurgery, or in either of them, shall pay unto his Majesty the sum of two shillings out of every twenty shillings *sterl.* which they shall respectively receive in one year by reason of their respective practice or professions; all and every other person and persons whatsoever, who receives from the King any

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ſalary or fee by reaſon of his office, ſhall pay unto his Majeſty three ſhillings out of every twenty ſhillings *ſterl.* which he or they ſhall receive in one year by reaſon of ſuch ſalary or fee; all and every other perſon and perſons, not before named, who hath any place profeſſion, or office of profit, ſhall pay unto his Majeſty two ſhillings *ſterl.* for every twenty ſhillings *ſterl.* that he or they ſhall reſpectively receive in one year for or by reaſon of his or their profeſſion or office; every cuſtomer, collector, ſearcher, packer and guager, taſter, craner, and wharfiinger, and comptroller of the cuſtoms, clerke of the firſt fruits, and every clerk of the market, ſhall reſpectively pay unto his Majeſty three ſhillings out of every twenty ſhillings which they, or any of them, ſhall reſpectively receive for their reſpective ſalaries from the King for one year, and two ſhillings *ſterl.* out of every twenty ſhillings they ſhall receive for the profits and fees of their ſaid imployments for one year; the muſter-maſter-general, the king of arms, every ſerjeant at arms, the herald at arms, the phyſician to the ſtate, eſcheators, aulnager, ſeal-maſter, and weigh-maſter, ſhall ſeverally pay unto his Majeſty the ſum of three ſhillings *ſterl.* in every twenty ſhillings they ſhall receive for one year by reaſon of any ſalary for their reſpective places or offices; every commiſſary of the muſters, every commiſſion or warrant officer of the army, all governors or conſtables of caſtles, towns, or forts, and all lieutenant governors of caſtles, towns, or forts, ſhall reſpectively pay unto his Majeſty the ſum of two ſhillings *ſterl.* out of every twenty ſhillings they ſhall reſpectively receive for or by reaſon of their pay or ſalary for one year; every agent and clerk of any regiment, or regiments, ſhall pay unto his Majeſty the ſum of three ſhillings *ſterl.* out of every twenty ſhillings which they ſhall reſpectively receive in one year for or by reaſon of their ſaid places or imployments; all and every perſon and perſons, bodies politick and corporate, or otherwiſe, who ſhall receive any yearly penſion or annuity, exceeding twenty pounds and under fifty pounds *per annum* out of any branch of your Majeſtie's revenue, ſhall pay unto your Majeſty three ſhillings out of every twenty ſhillings of ſuch yearly penſion or annuity for one year; and all and every perſon and perſons, bodies politick or corporate, who receives any yearly penſion or annuity of fifty pounds *ſterl.* or above out of any branch of your Majeſtie's revenue, ſhall pay unto your Majeſty four ſhillings *ſterl.* out of every twenty ſhillings of ſuch annuity or penſion for one year.

VI. Provided always that this act, nor any thing therein contained, ſhall not extend to charge Thomas Hughes with any ſum or ſums of Money whatſoever, in regard or reſpect of his penſion of five and twenty pounds *ſterl. per annum*, payable out of your Majeſtie's treaſury of this kingdom; any thing in this preſent act contained to the contrary notwithſtanding.

VII. And it is further enacted by the authority aforeſaid, That the ſeveral ſums of money, hereafter in theſe preſents expreſſed, ſhall be levyed, raiſed, and paid to your Majeſty, for the purpoſes aforeſaid: (that is to ſay) the maſter general of the ordinance, lieutenant general and comptroller of the ordinance, clerke of the ordinance, and the three engineers belonging to the office of the ordinance, ſhall pay two ſhillings for every twenty ſhillings *ſterl.* they ſhall reſpectively receive for their ſalaries, or pay for one year; every agent, ſteward, or receiver, who receives ſalary, wages or profits, from any perſon or perſons, bodies politick or corporate whatſoever, of fifty pounds *per annum* or under, ſhall pay one ſhilling *ſterl.* out of every twenty ſhillings they ſhall reſpectively receive in one year by reaſon or means of being agent, ſteward, or receiver; every agent, ſteward, or receiver, who receives ſalary, wages, or profit from any perſon or perſons whatſoever, bodies politick or corporate, above fifty pounds *ſterl. per annum*, ſhall pay out of every twenty ſhillings of ſuch ſalary, wages, or profit, the ſum of two ſhillings *ſterl.* and that all and every ſervant, which at the time of the execution of this act ſhall receive the ſum of three pounds *ſterl.* yearly wages, or above, for his, her

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or their ſervice, ſhall pay unto his Majeſty the ſum of one ſhilling *ſterl.* for every twenty ſhillings by the year; and all ſuch ſervants as ſhall receive under three pounds *per annum* wages for their ſervice reſpectively, ſhall pay unto his Majeſty the ſum of ſix pence *ſterl.* for every twenty ſhillings by the year, which ſhall be due or payable to him, her, or them, for his, her, or their wages; and that all and every perſon and perſons, bodies politick and corporate, guilds and fraternities, being within this realm, and having at the time of the execucion of this act any debts due unto them, other than ſuch debts as are deſperate, or are owing by his Majeſty, over and above ſuch juſt debts as he, ſhe, or they ſhall *bona fide* owe, ſhall yield and pay to his Majeſty, for every hundred pounds in ſuch debts, the ſum of ten ſhillings *ſterl.* to be paid by the creditors, notwithſtanding any agreement to the contrary; and that all and every perſon and perſons, being worth one hundred pounds *ſterl.* in perſonal eſtate, who is not herein after rated at more than five ſhillings *ſterl.* as a ſhop-keeper, ſhall pay to his Majeſty for that hundred pound the ſum of ten ſhillings *ſterl.* and that every perſon worth two hundred pound in perſonal eſtate within this kingdom, and is not herein after rated as a ſhop-keeper, ſhall pay to his Majeſty for ſuch his perſonal eſtate the ſum of twenty ſhillings *ſterl.* and that all and every perſon and perſons worth four hundred pounds in perſonal eſtate within this kingdom, and is not herein after rated as a ſhop-keeper, ſhall pay to his Majeſty for ſuch his perſonal eſtate the ſum of forty ſhillings *ſterl.* and that every perſon who keeps one or more coach or coaches, chariot or chariots, calaſh or calaſhes, with four wheels, for their private uſe within this kingdom ſhall pay unto his Majeſty for the ſame the ſum of four pounds *ſterl.* and that every perſon, who keeps one or more calaſh or calaſhes with two wheels within this kingdom for his private uſe, ſhall pay unto his Majeſty the ſum of forty ſhillings *ſterl.* for the ſame.

VIII. And be it further enacted by the authority aforeſaid, That every ſhop-keeper, who ſhall inhabit or reſide within this kingdom, at the time of the execution of this act, ſhall pay unto his Majeſty for their perſonal eſtate as followeth: (that is to ſay) every ſuch ſhop-keeper having in perſonal eſtate to the value of one thouſand pounds, or above, ſhall pay four pounds *ſterl.* and that every ſhop-keeper that ſhall be reſiding in this kingdom as aforeſaid, having a perſonal eſtate to the value of five hundred pounds *ſterl.* and not amounting to the value of one thouſand pounds *ſterl.* ſhall pay unto his Majeſty the ſum of forty ſhillings; and that every other ſhop-keeper that ſhall be reſiding within this kingdom at the time of the execution of this act, having a clear perſonal eſtate to the value of two hundred pounds *ſterl.* and not amounting to the ſum of five hundred pounds *ſterl.* ſhall pay unto his Majeſty the ſum of twenty ſhilling, *ſterl.* for the ſame; and that every other ſhop-keeper that ſhall be reſiding within this kingdom at the time of the execution of this act, and having in perſonal eſtate to the value of one hundred pounds, and not amounting to the value of two hundred pounds, ſhall pay unto his Majeſty the ſum of ten ſhillings *ſterl.* for ſuch perſonal eſtate; and that every other ſhop-keeper inhabiting and reſiding within this kingdom, not herein before rated or taxed, ſhall pay unto his Majeſty the ſum of five ſhillings *ſterl.* for his being a ſhop-keeper.

IX. And be it further enacted by the authority aforeſaid, That every perſon uſing any trade, or manual occupation, within this kingdom, ſhall for their perſonal eſtate reſpectively pay unto his Majeſty *per rata* and proportionably as ſhop-keepers are herein before enacted to pay.

X. And be it further enacted by the authority aforeſaid, That every gray-merchant, traveller, pedlar, or who uſually travells with a horſe, ſhall pay unto his Majeſty twenty ſhillings *ſterl.* and that every gray-merchant, merchant, traveller, or pedlar, who uſually travels without a horſe, ſhall pay unto his Majeſty ten ſhillings *ſterl.* and that every merchant, adventurer, factor, or ex-

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changer, for every one hundred pounds he ſhall be worth, *bona fide*, over and above his debts, at the time of the execution of this act, ſhall pay unto his Majeſty the ſum of ten ſhillings *ſterl.* and that every merchant, reſiding, or trading in any city, town or corporation within this kingdom, not being free thereof, ſhall pay double the ſum, that ſuch perſons who are free and charged by this act, are obliged to pay; and that every perſon above the age of thirty years being a batchellor, ſhall pay double the ſum he is chargeable with by virtue of this act on the account of his quality.

XI. And be it further enacted by the authority aforeſaid, That every perſon who at any time before the firſt ſitting of this preſent Parliament or ſince hath, or now doth, or hereafter ſhall, by words, writing, or otherwiſe own, aſſume, or take on him the dignity, name, title, honour, or quality of duke, marqueſs, earl, viſcount, or baron of this kingdom, or baronet or knight, although ſuch perſon or perſons have no right to ſuch honour, dignity, or quality, ſhall be charged and chargeable by the intent and meaning of this act, as if ſuch perſon or perſons had good right to the title, honour, or quality of duke, marqueſs, earl, viſcount, baron, baronet, or knight.

XII. Provided always, and be it enacted by the authority aforeſaid, That no foreign proteſtant refugee, nor any widow, who is diſcharged from paying hearth-money, or chimney-money within this kingdom, nor any officer in his Majeſties army, who ſhall be commanded out of this kingdom, and ſhall actually leave the ſame in obedience to his Majeſties command, ſhall be any way charged, or chargeable by this act; nor ſhall any perſon be taxed and rated by this preſent act as a pluraliſt, or for having more than one benefice with cure of ſouls, who hath his benefices contiguous, and lives in one of the ſaid pariſhes whereof he is incumbent, where the ſaid pariſhes are not worth one hundred pounds *per annum*, or more; nor ſhall any perſon whatſoever, who ſerved as an officer in Londonderry or Enniſkillin, during the late ſiege of the city of Londonderry, who is ſince reformed, or diſbanded, and who hath no freehold eſtate within this kingdom, be taxed or charged in any manner whatſoever by virtue of this act; nor ſhall any of the widowes of any ſuch perſon who ſerved as an officer in the time of the laſt ſiege of Londonderry, either in the ſaid ſaid city of Londonderry, or in Enniſkillin who have no eſtate of freehold from their ſaid late huſband, be taxed or charged in any manner whatſoever by virtue of this act; nor ſhall the widow of any officer, or ſoldier, who ſhall be ſuch at the time of the execution of this act, and who hath no free-hold eſtate in this Kingdom, and whoſe late huſband being officer, or ſoldier, was killed or died in his Majeſties ſervice during the late rebellion in this kingdom, be taxed or charged in any manner whatſoever, by virtue of this act; nor ſhall any perſon or perſons, who is or hath the reputation of a gentleman, and is not worth ten pounds *ſterl.* in any worldly ſubſtance, be charged or taxed with the payment of twenty ſhillings *ſterl.* but every ſuch perſon being a gentleman ſhall be taxed, rated, and charged with the payment of five ſhillings *ſterl.* and no more; nor ſhall any French reformed officers whatſoever being proteſtants, nor ſhall any of the officers belonging to, or concerned in his Majeſties cuſtoms, whoſe ſalary doth not exceed ten pounds yearly, be taxed or charged as a gentleman by virtue of this act; any thing in this act contained to the contrary notwithſtanding.

XIII. Provided alſo, and it is enacted by the authority aforeſaid, That no officer of, or belonging to his Majeſties revenue of this kingdom, whoſe ſalary doth not exceed forty pounds *ſterl.* ſhall pay any poundage, or be charged for or in reſpect of ſuch ſalary; nor ſhall any private ſouldier or ſeaman, who ſhall be at the time of the execution of this act in his Majeſties ſervice and pay, be rated, taxed, or charged by this act for and in reſpect to his poll; any thing in theſe preſents to the contrary thereof notwithſtanding.

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XIV. And in regard the ſeveral garriſons of the city of Londonderry and Enniſkillen in this your kingdom, faithfully and valiantly behaved themſelves in your Majeſties ſervice, and when all other parts of the kingdom had been overrun by the late rebellion, thoſe garriſons defended themſelves with great courage and conſtancy under your Majeſties obedience: therefore as a mark of your Majeſties favour for ſuch their acceptable and ſeaſonable ſervices, may it pleaſe your moſt excellent Majeſty that it may be provided and enacted, and be it provided and enacted by the authority of this preſent Parliament, That no perſon or perſons whatſoever, who ſerved as a private ſoldier in either of the ſaid garriſons, during the laſt ſiege of Londonderry, their reſpective wives, widows, or children, ſhall be rated, taxed, or charged by this act, for or in reſpect of his, her, or their poll; any thing in theſe preſents contained to the contrary thereof in any wiſe notwithſtanding.

XV. Provided alſo, and be it enacted by the authority aforeſaid, That no perſon who receives alms, being certified by the miniſter of the pariſh where ſuch perſon who receives alms reſides or inhabits, or in his abſence by the next juſtice of the peace, to be ſuch perſon that receives alms, ſhall be rated, taxed, or charged by this act; nor ſhall any perſon whatſoever be charged in reſpect of his being a batchellor, who by this act is charged, and ought to pay for his poll one ſhilling, and no more; nor ſhall any perſon, being a menial ſervant at the time of the execution of this act, nor any officer that ſhall be in his Majeſties army at the time of the execution of this act, be charged, rated, or taxed for or in reſpect of being batchellors; any thing before contained to the contrary in any wiſe notwithſtanding.

XVI. Provided always, and be it enacted by the authority aforeſaid, That neither the provoſt, nor any of the fellows or ſchollars of Trinity colledge near Dublin, ſhall be charged or rated by virtue of this act for or in reſpect of their being batchellors; nor ſhall any doctor in divinity, having no eccleſiaſtical preferment at the time of the execution of this act, be charged or rated for or in reſpect of his quality; nor ſhall any widow of any eccleſiaſtical perſon be charged, aſſeſſed, or compelled to pay according to the quality of her late huſband; nor ſhall any officer of the royal hoſpital near Dublin, whoſe ſalary is not above thirty pounds yearly, be charged or aſſeſſed any thing for or in reſpect of ſuch ſalary; nor ſhall any town or fort-majors, chaplain, or chirurgeon of any regiment, nor any other officer in his Majeſties army under the quality or degree of a captain, be charged, aſſeſſed, or rated, for or in reſpect of their pay; any thing in this act contained to the contrary notwithſtanding.

XVII. And be it further enacted, That every perſon (except women and ſuch as are charged by this act with one ſhilling only, and no more) under the degree of a baron of this realm, and having an eſtate in lands, tenements, goods or chattles of the value of twenty pounds, and being of the age of ſixteen years or upwards, and being within this realm at the time of the execution of this act, who have not already taken the oath hereafter mentioned to his Majeſty, and who ſhall not voluntarily appear before the ſaid commiſſioners, or any two or more of them, and take the ſaid oath, and make and ſubſcribe the declaration hereaftermentioned, which oath any two or more of the commiſſioners in this act named are hereby impowered and required to adminiſter, and make an entry or memorandum thereof, and of making and ſubſcribing the ſaid declaration in ſome book to be kept for that purpoſe, every ſuch perſon who ſhall neglect to appear, or ſhall not take the oath, and make and ſubſcribe the declaration as aforeſaid, ſhall be charged with, and ſhall pay to his Majeſty double the ſums, which by force or virtue of any clauſe in this act he ſhould or ought to pay, or be charged with, to be levyed, collected, anſwered, recovered, and paid in ſuch manner, and by ſuch ways and means as are in this act expreſſed and appointed for and concerning the rates and ſums hereby intended to be doubled as aforeſaid.

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XVIII. Provided nevertheleſs, That whereas certain perſons, diſſenters from the church of England, commonly called Quakers, and now known to be ſuch, do ſcruple the taking any oath, it ſhall be ſufficient for every ſuch perſon to make and ſubſcribe the following declaration:

I. A. B. do ſincerely promiſe, and ſolemnly declare, before God and the world, that I will be true and faithful to King William, and I do ſolemnly profeſs and declare, that I do from my heart abhor, deteſt, and renounce, as impious and heretical, that damnable doctrine and poſition that princes excommunicated or deprived by the Pope, or any authority of the ſee of Rome, may be depoſed or murdered by their ſubjects, or any other whatſoever: and I do declare, that no foreign Prince, perſon, prelate, ſtate or potentate, hath, or ought to have, any power, juriſdiction, ſuperiority, preheminency or authority, eccleſiaſtical or ſpiritual, within this realm.

Which declaration any two or more of the commiſſioners appointed for the execution of this act, are hereby impowered and required to take; and every ſuch perſon ſo making and ſubſcribing ſuch declaration ſhall not be liable to, or chargeable with, any of the double rates aforeſaid.

XIX. And be it further enacted by the authority aforeſaid, That the ſeveral ſums of money ſo as aforeſaid limitted and appointed to be paid, ſhall be collected quarterly by four equal payments, the firſt payment to be made on the ſecond day of February next, the ſecond payment to be made on the ſecond day of May next, the third payment to be made on the ſecond day of Auguſt next, and the fourth payment to be made on the ſecond day of November, which ſhall be in the year of our Lord one thouſand ſix hundred ninety ſix.

XX. And be it further enacted by the authority aforeſaid, That for the better aſſeſſing, ordering, and levying of the ſeveral ſums of money ſo as aforeſaid limitted and appointed to be paid, and for the more effectual putting this act in execution, all and every the perſons hereafter named ſhall be commiſſioners of and for the ſeveral and reſpective counties, cities, towns and places hereafter named, for putting in execution this act, and the powers therein contained, in ſuch counties, cities, towns and places, (that is to ſay);

For the county of Ardmagh.

The high ſheriff of the ſaid county for the time being; Sir Nicholas Atcheſon, baronet; Sir Henry Tichburn, knight; Sir Robert Hamilton, knight and baronet; Arthur Brownlow, William Richardſon, Downham Cope, Hamlet Obbin, Richard Chappel, Richard Whaley, Walter Dawſon, James Maxwel, Hugh Echlyn, William Blacker, Edward Hall, Henry Hunter, John Hamilton, and Edward Harriſon, eſquires; and Abraham Bal, Roth Jones, Daniel Madden, and Thomas Clarke ſenior, gentlemen.

For the county of Antrim.

Sir Robert Colvil and Sir Robert Adaire, knights, captain Charles Chicheſter, Arthur Upton, James Mac Cartney, Randal Brice, Edward Harriſon, Hercules Davys, Henry Davys, Henry O Neill, Edmond Stafford, Tho. Dawſon, Tho. Brooks, the ſovereign of Belfaſt for the time being, George Mac Cartney, Clotworthy Upton, Henry Clements, Richard Dobbs junior, Edmund Ellis, eſquires; Doctor John Peacock; William Shaw of the Buſh, eſquire; John O Neill, Henry Mac Cullock, Robert Donnel, Benjamin Gallant, John Houſton, William Leſlye, Charles Stewart, William Shaw of Ganoway, John Donaldſon, Henry Shaw, and George Buttle, eſquires; William Crawford, Henry Chades, Thomas Crawford, William Thompſon, James Stannus, James Johnſton, John Peers, John Charleton, William Cloſe, Francis Shane, John Clements, Richard Horſeman,

Horſeman, Hugh Eccles, Thomas Cornewal, James Harſon, Benjamin Adaire, James Crawford, Robert Harper, Richard Newton, Bryan Mac Manus, William Adaire, John Dobbin, William Dobbin, James Mac Cullogh, James Boyd, Neal Mac Neal, John Miller, Henry Andrew, Hugh Mac Cullom, Henry Willoughby, Francis Andrew, Alexander Mac Awley, William Boyd, John Dunlap, William Boyd, John Mitchel, Alexander Mac Kay, and Alexander Ayton, gentlemen.

For the county of the town of Carrickfergus.

The mayor of Carrickfergus for the time being; the ſheriffs of the ſame for the time being; Hercules Davys, and Henry Davys, eſquires; Marmaduke Newton, and Andrew Clements, gentlemen.

For the county of Catherlagh.

Sir Thomas Butler, bar. John Allen, John Tench, coll. Wentworth Harman, Richard Wolſely, Thomas Burdet, Urban Vigors, Edmond Jones, John Beauchamp, John Brown, captain John Dalway, Benjamin Bunbury, captain Nathaniel King, William Paul, captain Thomas Hardy, and William Ryves, eſquires; Mr. Samuel Carpenter, Mr. Euſeby Beeſly, Mr. Walter Murray, Mr. Walter Rochford, Mr. Mark Owen, and Mr. George Brereton.

For the county of Cavan.

The honourable Mr. juſtice Coote, Sir Francis Hamilton, baronet; Robert Sanderſon, Thomas Aſh, Robert Sanders, Francis Butler, John Warburton, Samuel Townley, Francis White, Thomas Coach, John Maxwell, John Cayne, Robert Clements, Arnold Coſby, Daniel Trench, Charles Hamſon, James Hamilton of Tullymore, and Thomas Newburgh, eſquires; Broghill Newburgh, Thomas Townley, Edward Davenport, Henry Guillym, Thomas Fleming, Thomas Hume, John Robinſon, William Clarke, the ſovereign of the borough of Cavan for the time being, and George Ruſſel, gentlemen.

For the county of Clare.

The high ſheriff of the county for the time being; Sir Henry Ingoldeſby and Sir Donogh O Bryen, baronets; Francis Burton, Francis Gore, the honourable John O Bryen, Thomas Hickman, Simon Pourdon, Edmond Perry, Henry Lee, James Mac Donnel, Auguſtine Fitz-Gerald eſquires; Neptune Blood, dean of Kellſenoragh, John Hawkins, clk. Henry Bridgeman, Walter Hickman, William Smith, the provoſt of the borough of Ennis for the time being, and James Hamilton of Tullymore, eſquires.

For the county of Corke.

Sir St. John Broderick, knight; Thomas Broderick, eſquire; Allan Broderick, eſquire, his Majeſties ſolicitor-general; Robert Rogers, Henry Boyle, Robert Fitz-Gerald, Edward Southwell, James Waller, Edward Riggs, Francis Bernard, William Jephſon, Laurence Clayton, Edward Denny, John Hayes, Charles Boyle, John Ormſby, Francis Brewſter, Charles Oliver, James Barry, Robert Foulks, Peirey Freake, Bryan Townely, Thomas Beecher, Edward, Richeſon, Samuel Morris, Robert Pooley, Sir John Mead, knight, Francis Hodder, George Syms, Francis Roberts, William Warner, Michael Parker, John Bayly, jun. and Thomas Crooke, eſquires; Rich. Brown, clk. Philip Savage, Henry Sandford,

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Edward Worth, Richard Travers, the ſovereign of Kinſale for the time being, the provoſt of Bandon for the time being; Sir Matthew Deane, knight; William Ballard, Nicholas Broomby, William Wakeham, lieutenant Richard Wakeham, lieutenant Peter Bettſworth, John Travers, John Rowles, John Wakeham, William Supple, Samuel Maynard, Richard Boyle, Boyle Aldworth, lieutenant Samuel Pomeroy, captain Thomas Pourdon, Arthur Hide, Robert Taylor, captain Richard Price, captain George Wydman, Thomas Mills, Richard Hodkins, captain Elwell, Jonas Stowell, ſen. and Robert Gookin, eſquires; Arthur Keene, John Brailsford, Apollos Morris, ſovereign of Middleton for the time being, Barachias Wallace, Barry Strongman, Walter Croker, William Page, Henry Wallace, Charles Newman, George Chinery, James Manſer, William Babbington, Richard Bettſworth, William Thornhill, Francis Smyth, John Watkins, John Morriſon, Henry Boreman, John Gibbons, and Joſeph Jarvas, gentlemen.

For the city and county of the city of Corke.

Allen Broderick, eſquire, his Majeſties ſollicitor-general; Robert Rogers, John Newenham, Chriſtopher Crofts, William Ballard, William Howel, William Charters, William Allen, Edward Hoare, and George Wright, aldermen; Sir John Mead, knight; Edward Worth, Epenetus Croſs, and Francis Bernard, eſquires; John Speed, jun. John Rains, Thomas Brown, William Roberts, and William Dunſcombe, gentlemen.

For the city of Dublin.

The mayor, ſheriffs, and recorder for the time being; Philip Savage, eſquire, George Blackall, eſquire; Sir Humphry Jarvis, Sir John Rogerſon, and Sir Walter Plunket, knights; John Smith and Samuel Walton, aldermen; William Handcock the elder, John Nicholls, Robert Rochfort, eſquire, his Majeſties attorney general, and ſpeaker of the honourable houſe of commons, George Warburton, Thomas Whitſhed, eſquire, Allen Broderick, eſquire, his Majeſties ſolicitor-general; Benjamin Burton, merchant; Stephen Ludlow, John Warburton, and Denny Muſchampe, eſquires; Sir Joſeph Williamſon, knight; Richard Aldworth, Henry Davis, Frederick Porter, William Porter, Andrew Young, William Palmer, William Handcock, Gideon Delawne, James Hamilton of Tullymore, Thomas Tilſon, John Reading, Bartholomew Van-Homrigh, Charles Meredith, William Mollyneux, John Price, Robert Peppard, Hercules Davis, Daniel Wybrants, Chriſtopher Uſher, John Uſher, Stephen Stanley, Robert Mouldſworth, John Ormſby, Standiſh Hartſtonge, Michael Tiſdale, William Robinſon, and Thomas Pooley, eſquires; John Smyth, gentleman; William Billington, Thomas Quin, Marks Ranford, and John Page, aldermen; colonel John Allen, Robert King, and John Rotten, gentlemen; Elnathan Lum and John Lovett, merchants; Fauſtin Cubbidge, Nathaniel Boyce, Charles Campbell, Thomas Aſh, Marmaduke Coghill, Samuel Doppin, John Allen, Robert Curtis, Robert Sanders, Francis Butler, John Warburton, Edward Richardſon, and Joſeph Budden, eſquires.

For the county of Dublin.

Sir Richard Bulkely, Sir Richard Bellingham, and Sir Thomas Domville, baronets; Sir William Domville and Sir Walter Plunket, knights; Robert Mouldſworth, Edward Deane, John Reading, Thomas Aſhe, John Tench, Thomas Pooley, John Allen, Richard Forſter, George Wallis, Daniel Reading, John Stepney, William Neave, Henry Ferneley, Dixey Coddington, Richard Morris, Edward Swan, Chriſtopher Uſher, Iſaac Dobſon, Joſeph Deane, ſen. John Price, Thomas Stepney, Joſeph Stepney, Bernard Brown, Edward Corker, Thomas Whitſhed,

Whitſhed, George Warburton, Richard Aldworth, William Robinſon, and Joſeph Budden, eſquires.

For the county of Down.

Sir Arthur Rawden, Sir John Magill, Sir John Trevor, and Sir Robert Colvil, knights; James Hamilton of Tullymore, Francis Anneſley, James Sloane, Hans Hamilton, Clotworthy Upton, Charles Campbell, James Hamilton of Bangor, David Campbell, Michael Hill, William Shaw, Frederick Porter, Patrick Savage, James Montgomery, John Echlin, Hugh Montgomery, James Roſs, Arthur Maxwell, Gawen Hamilton, Randal Brice, Samuel Waring, John Haltridge, Roger Hall, Henry Hunter, captain John Norrice, William Hamilton, captain Alexander Stewart, lieutenant-colonel Nicholas Price, John Gibbon, Vere Ward, and Thomas Knox, eſquires; Hugh Maxwell, gentleman; James Bayly, Francis Allen, Patrick Hamilton, Matthew Stuthard, John Smith, Robert Hawkins, James Hewſon, Phillip Wilkinſon, James Hamilton of Derryboy, John Saunders, William Catherwood, Roger Briſtow, Henry Maxwell, and Alexander Brown, gentlemen.

For the county of Donnegall.

Sir William Gore, baronet; John Hamilton, Henry Hart, George Vaughan, Ralph Gore, William May, William Stewart, William Sampſon, John Forward, James Niſbitt, William Hamilton, captain Francis Hamilton, eſquires; William Cunningham, Andrew Lindſey, Francis Hamilton, Thomas Atkinſon, Robert Atkinſon, Robert Delap, Patrick Connelly, Michael Hewetſon, William Carey, Triſtram Swetnaham, John Evans, Henry Brook, Alexander Niſbitt, Patrick Finſton, William Walker of Boylagh, William Walker of Donnygall, William Smith, Alexander Niſbitt, John Cowan, gentlemen; and Guſtavus Hamilton and Henry Cunningham, eſquires.

For the town and county of the town of Drogheda.

The mayor, recorder, and ſheriffs for the time being; the right honourable Henry earl of Drogheda, Charles lord Moore, Sir Henry Tichbourne, knight; John Stoker, Thomas Percival, John Graham, William Newton, Richard Whaley, and Caleb Gay, eſquires; Robert Smith, gentleman; Robert Ford, William Elwood, Richard Pitts, James Mead, George Richardſon, Edward Singleton, Richard Jackſon, Joſeph Tomlinſon, Henry Nicholls, aldermen.

For the county of Fermanagh.

Sir Michael Cole, knight; James Curry, Chriſtopher Erwin, Abraham Creighton, William Archdel, Hugh Montgomery, ſen. Hugh Montgomery, jun. William Belfore, David Run, James Creighton, James Aghenlek, Jaſon Haffard, Edward Davis, Gilbert Eccles, and William Wiſhart, eſquires; captain Francis Johnſon, captain John Erwin, and Charles Wallis, eſquires.

For the county of Galway.

Sir George St. George, Sir Oliver St. George, and Sir Francis Brewſter, knights; John Eyre, colonel George St. George, colonel Richard St. George, Gilbert Ormſby, Thomas Cuffe, William Caulfield, colonel Theodore Ruſſel, Frederick Trench, Richard Whaley, Henry Peirſe, John Neiland, Thomas Smith, Robert Maſſon, Thomas Croſdaile, Thomas Stanton, Thomas Wilſon, Thomas Cunnys, John Morgan, Henry Banks, Theophilus Peirſe, Edward Eyre, and George Warburton, eſquires; Henry Sandford, Thomas Wilſon, John Lopdel, John Taylor,

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Gilbert Donnellan, Robert Straw, John Ormeſby, John Carter, Robert Brenand, Robert Blakly of Gallagh, Lynch Fitz-Marcus of Ire-Connaght, John Donellan of Liſſanacody, Thomas Crookſhanks, Colcut Chambre, James Budd, and colonel Guſtavus Hamilton, captain David Cunningham.

For the county of the town of Galway.

James Hamilton of Tullymore, Richard St. George, Robert Ormeſby, Sir George St. George, colonel George St. George, colonel John Eyre, Richard Whaley, eſquire; Thomas Simcock, Thomas Revet, John Gory, Samuel Camby, Richard Brown, and Thomas Wilſon, aldermen; Francis Knap, Thomas Cunnyes, James Ribet, Vigie Robert Shaw, Richard Wall, John Ormeſby, and James Budd, gentlemen.

For the county of Kerry.

Thomas Fitz-Maurice, Edward Denny, William Fitz-Maurice, John Blennerhaſſet, Frederick Mullens, John Sellenger, Theobald Purſell, Andrew Young, Roymond Fitz-Maurice, Henry Petty, James Waller, Thomas Amory, Samuel Morrice, Barry Denny, Rowland Bateman, Edward Harbert, Herry Stoughton, Patrick Croſby, William Sanders, Francis Burton, Whiteall Browne, Frederick Mullens, jun. John Bateman, Thomas Ponſonby, and Charles Wren, eſquires; Samuel Wilſon, James Bland, Joſias Kennington, and Thomas Palmer, clerk; Joſeph Morris, John Steere, John Walker, Samuel Raymond, Samuel Alwel, Thomas Crump, Robert Brown, Uriah Babington, John Blenerhaſſet, William Croſbie, Euſebius Chute, gentlemen.

For the city of Kilkenny.

Sir Chriſtopher Wandesford; Ebenezar Warran, eſquire; Standiſh Hartſtonge, eſquire, recorder; Joſias Haydock, Richard Connel, Joſhua Helſham, eſquires; John Pape, Iſaac Mukins, Charles Goſſing, Patrick Connel, and Abel Butler, aldermen.

For the county of Kilkenny.

Sir Chriſtopher Wandesford, baronet; Sir John Meade, knight; colonel William Ponſonby, Agmondiſham Cuffe, Edward May, Joſeph Stepney, Chriſtopher Hewetſon, Arthur Buſhe, eſqnires; Sir Henry Weyms, knight; Samuel Booth, Ebenezar Warren, Blaney Sandford, Edward Worth, Thomas Keihtley, Robert Stopford, Balthazar Cramer, Arthur Webb, John Eaton, Charles Agar, eſquire, portrieve of Gowran; Amos Buſhe, John Langriſh, George Read, eſquires; James Hamilton, ſovereign of Callan for the time being; John Baker, Harvey Morris, Thomas Crawford, eſquires; Edward Deane, Arthur St. George, Richard Connel, John Warring, Paul Gore, James Bryan of Bawenmore, Jonah Wheeler of Girnan, Thomas Cookſey, of Faile, and Darby Egan, eſquires; William Ponſonby and Agmundiſham Cuffe, eſquires; Joſeph Robins, James Myhill, Abraham Roth, Joſeph Wheeler, Joſeph Hall, William Baker, John Villiers, Daniel Manſergh, John Biſhop, Patrick Walſh, Robert Blundel, Burleigh Cuffe, George Villiers, Edward Briſcoe, Thomas Manſel, William Heyden, John Jones, William Deyes, William Hawkins, Joſeph Watſon, John Greene, Nathaniel Boyſe, Charles Gore, Abel Butler, Joſeph Lodge, John Bradley, and Richard Bibby, gentlemen.

For the King's County.

The high ſheriff for the time being; Sir Francis Blundel, Sir Laurence Parſons, and Sir George Herbert, baronets; William Parſons, Duke Giffard, John Eyre, Thomas

Thomas Leſtrange, Richard Warburton, ſen. William Sprigg, John Weaver, ſen. Hector Vaughan, John Baldwin, Richard Hanſard, Robert Leſtrange, John Wakely, Jeffry Lyons, Thomas Moore, Jonathan Darby, Samuel Rolls, William Pureſoy, Martin Balwin, Richard Warburton, jun. George Warburton, eſquires; William Nelſon, and Daniel Tomlinſon, clerks; Medhop Loyd, Richard Luther, Samuel Whitſhed, John Seymour, Anthony Carrol, Humphry Minchin, William Wetheral, and Peter Holmes, eſquires; Mills Baggot, Charles Weanman, Francis Lambert, George Prizil, Nathaniel Taylor, George Ridgeway, John Tarleton, Samuel Moſe, John Craddock, William Minchin, Randal Cooke, Bigoe Henſey, William Armeſtrong, Philip Wenham, Francis Clerke, and William Vaughan, gentlemen.

For the county of Kildare.

The honourable Robert Fitz-Gerald, eſq; Sir Kildare Burrowes, and Sir Francis Blundel, baronets; Sir John Euſtace knight; George Fitz-Gerald, Edward Stratford, Charles Richaſey, Raphael Hunt, Jeffry Paul, Richard Lock, Paul Davys, Maurice Keating, Richard Meredyth, Francis Anneſly, Thomas Medlicot, John Rawlins, John Anſlow, George Medlicot, Henry Warren, Robert Graydon, William Southeby, Thomas Twigg, Richard Nevil, Maurice Anneſley, Richard Wibrow, Theobald Bourke, Francis Springe, James Barry, James Whyte, John Aylmer, Wentworth Harman, Walter White, Dudley Cooley, Henry Cooley, William Chavenor, John Allen, Robert Dixon, Nicholas Jones, William Harborne, Benjamin Fiſh, and Francis Weymes, eſquires; Thomas Sell, William Wright, and Bartholomew Rigg, gentlemen; ſoveraign of Naas for the time being, ſoveraign of Kildare for the time being, ſoveraign of Athy for the time being, and ſoveraign of Harriſtown for the time being.

For the county of Limerick.

Sir Thomas Southwell and Sir Standiſh Hartſtonge, baronets; Sir William King, knight; Robert Taylor, George Evans, the younger; Standiſh Hartſtonge, the younger; Chidley Coote, Charles Oliver, John Ormeſby, Joſeph Stepney, Ralph Wilſon, George Evans, ſenior; John Odell, ſen. Michael Serl, Henry Widenhaw, Richard Stephens, Thomas Roſs, David Wilſon, George Manſell, Thomas Mounſell, William Blackney, John Croker, Thomas Holmes, John Parker, Hugh Maſſey, Henry Aylmer, William Reeves, John Bury, Richard Waller William Langford, the younger; Thomas Ponſonby, Sampſon Cox, Edward Blennerhaſſett, Robert Blennerhaſſett, and William Blackny, eſquires; John Bayly, Edward Croker, Thomas Fitz-Gerald, John Gabbot, and Owen Cuthbert, gentlemen.

For the county of the city of Limerick.

The mayor for the time being, Sir Joſeph Williamſon and Sir William King, knights; Joſeph Coghlan, eſq; recorder; Ezekiel Webb, dean; Ralph Wilſon, and Edmond Perry, eſquires; William Gribble, Robert Smyth, George Roth, John Cravew, John Ford, and Edward Weight, aldermen.

For the county of Leitrim.

Sir Oliver St. George knight and baronet; Sir Francis Hamilton, Sir William Gore, and Sir Robert Gore, knights; John Reynolds, Theophilus Jones, colonel George St. George, John French, John Mahon, Edmond Reynolds, Arthur Cooper, William Parſons, Gilbert King, William Lowder, ſenior; William Lowder, junior; captain Edward Johnſon, Thomas Croſton, and William Gore, eſquires; captain Morgan Cunningham.

For the county of Longford.

Sir Robert Newcomen, baronet; Sir John Edgworth, knight; Sir John Parker, knight; Sir Walter Plunket, knight; John Keer, dean of Ardmagh; Wentworth Harman, Charles Fox, Arthur Ahmotye, Anthony Sheppard, John Ahmotye, Arthur Newcomen, Francis Edgworth, John Percivall, Frake Sandys, Mathew Wilders, eſquires; colonel George St. George, Richard Gardiner, Thomas Handcock, eſquires; Arthur Ahmotye, Francis Wilſon, William Hyde, gentleman; the ſoveraign of Longford for the time being, the ſoveraign of St. Johnſtown for the time being, the ſoveraign of Laneſborough for the time being, the ſoveraign of Granard for the time being, Robert Edgeworth, eſq; John Wilſon, clerk.

For the county of Lowth.

The high ſheriff for the time being, Sir Thomas Forteſcue Sir John Hanmer, Sir Henry Tichborne, knights; Thomas Bellingham, Brabazon Moore, James Tiſdell, Kilner Brazier, Blany Townly, Robert Allway, Thomas Percivall, Elnathan Lum, John Pepper, Timothy Armitage, Norman Garſtin, Edward Singleton, eſquires; John Ruxton, gent. alderman John Graham, alderman James Mead, James Lee, Jeremiah Smith, gentlemen; the portriff of Atherdee for the time being, the bayliff of Dundalk for the time being, ſoveraign of Carlingford for the time being, ſoveraign of Dunleere for the time being, Anthony Berry, Robert Butler, Thomas Clarke, Robert Roſſe, Stephen Clarke and Benjamin Weſt, gentlemen.

For the county and city of Londonderry.

The mayors and recorders of Londonderry and Colleraine for the time being, the ſheriffs of the city and county of Londonderry for the time being, Sir Triſtram Berresford, baronet; Sir Arthur Langford, baronet; George Philips, David Cairnes, Bartholomew Vanhomrigh, Samuel Jackſon, Henry Langford, alderman William Smith, alderman James Lenox, alderman Henry Aſh, alderman John Cowan, Jervis Squire, eſq; alderman Henry Long, John Gage, Edward Carey, William Jackſon, William Godfrey, George Caning, eſquires; alderman William Godfrey, jun. Triſtram Beresford, Hugh Rowley, William Cunningham, Nicholas Downing, Charles Norman, Thomas Dawſon, Thomas Church, eſquires; John Harvey, George Thorneton, Robert Bacon, William Bacon, Robert Dent, Thomas Blaire, Richard Lynham, Dominick Heyland, John Hodgſon, Hugh Rayney, gentlemen; John Galt, ſen. Nicholas Averall, John Tomſon, merchants.

For the county of Meath.

Sir John Dillon, Thomas Bligh, Stafford Lightbourn, William Napper, Garret Weſley, James Napper, Arthur Meredith, Francis Oſborne, Thomas Taylor, Charles Feilding, Sir Charles Meredith, Andrew Ram, Edward Corker, eſquires; doctor Thomas Molyneux, Oliver Lambert, eſq; Sir Arthur Langsford, baronet; Sir Henry Ingoldſby, knight; Charles Lambart, Lancelot Dowdal, John Woods, jun. Joſeph Deane, Robert Stopford, George Peppar, Anthony Towers, Stephen Ludlow, John Warburton, Simon Peppar, Joſeph Pratt, Benjamin Prat, Samuel Doppin, Henry Oſborne Edward Ford, John Preſton, Thomas Corker, John Percival, Edward Singleton, eſquires; alderman Graham, alderman Percival, Thomas Aſh, Thomas Loftus, Duke Gifford, Joſeph Woodward, William Connello, Darcy Wentworth, Henry Cadogan, Richard Jones, William Elwood, John Lee, eſquires; Anthony Bury, James Jannes, gentlemen: John

Wade, Michael Shields, Henry Oſborne, Thomas Brooke, Henry Langsford, Samuel Jackſon, Charles Campbell, Robert Smith, eſquires: Richard Shinton, gentleman. A. D. 1695. Chap. 15.

For the county of Mayo.

Sir Henry Bingham, baronet; William Gore, John Bingham, Robert Miller, ſen. Thomas Bell, Arthur Shene, John Mathews, Owen Vaughan, eſquires; Robert Bell, Robert Miller, jun. Thomas Browne, Robert Maſon, Garret Daniel, Robert Ormſby, Thomas Jones, Samuel Lyndſy, Francis Palmer, Mathew Bell, William Knox, William Eldwood, John Sherredan, Thomas Cuffe, and Robert Ormſby, jun. gentlemen.

For the county of Monaghan.

Thomas Coote, eſq; one of the judges of his Majeſties court of chief place in Ireland; the high ſheriff for the time being, William Barton, and Henry Tenniſon, eſquires; colonel Robert Echlin, and Charles Deering, eſquires; Dacre Barret, Hugh Montgomery, John Uſher, James Corry, James Moore, Arthur Brownlow, James Tiſdall, John Leſley, Richard Johnſton, Francis Lucas, ſen. Francis Lucas, jun. Bryan Norbury, William Wiſheart, Blaney Owens, Henry Richardſon, George Buchanon, Alexander Montgomery, Richard Ley, Joſeph Johnſton, Thomas Chappel, Thomas Wildman, eſquires.

For the Queen's county.

The high ſheriff for the time being, Sir John Mead and Sir Edward Maſſey, knights; John Weaver ſen. John Weaver, jun. Robert Warnford, Walter Weldon, Thomas Piggot, St. Leger Gilbert, George Warburton, Richard Warburton, jun. William Hartpole, Thomas Carr, Thomas Curd, Gilbert Rawſon, Richard Warburton, ſen. Richard Handſard, John Spranger, John Barrington, Periam Poole, Richard Prior, eſquires; Andrew Niſbet, clerk, Dudley Coſby, Abraham May, ſen. Lancellot Sandys, and John Stringer, gentlemen.

For the county of Roſcommon.

Sir Robert King, Sir Arthur Cole, Sir Edward Crofton, baronets; Sir Oliver St. George, knight and baronet; colonel George St. George, Henry Sandford, John King, John French, Edward Madden, Arthur St. George, William Caulfield, William Neave, John Mahon, Gilbert King, John Dogherty, Andrew Blackburne, Theophilus Jones, Robert Sandys, Henry Dodwel, George Crofton, and James Donnellan, eſquires; Toby Molloy, Gilbert Gardiner, John Matthews, and John Ormſby, gentlemen.

For the countie of Sligoe.

Edward Winchfield, Hugh Morgan, Percy Gethin, Roger Smith, Jeremiah Johnes, Mathew Ormſby, Arthur Cooper, Charles Hara, Kean Hara, and John King, eſquires; Thomas Jones, Thomas Griffith, Philip Cox, James Barret, William Smith, Stephen Ormſby, Robert Folliot, Chriſtopher Jones, William Harloe, Robert Hart, John Fleming, and Mathew Yeedon, gentlemen.

For the county of Tyrone.

Sir Triſtram Berresford, Sir Robert Staples, knight; James Hamilton, Henry Mervyn, Audley Mervin, Oliver Mc. Caſhland, David Cairnes, David Mac Clanham, Patrick

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trick Hamilton, James Montray, Charles Eccles, Archibald Richardſon, James Moore, Thomas Knox, John Hamilton, William Stewart, eſquires; Thomas Edwards, William Maxwell, William Latham, William Hamilton of Moyagh, George Stewart of Orvitan, jun. and William Cairnes, gentlemen.

For the county palatine of Tipperary.

Sir John Mead, Sir Thomas Oſborne, knight; the high ſheriff for the time being, Standiſh Hartſtonge, John Buckworth, Robert Blennerhaſſet, Oliver Latham, Kinſmell Pennefather, Thomas Cleare, ſen. Stephen Moore, Richard Moore, jun. Anthony Maude, Samuel Greene, Thomas Carter, William Godfrey, Peter Cook, ſen. ſoveraign of Fethard, Richard Sankey, Thomas Batty, John Perry, Thomas Moore, Charles Alcock, William Vaughan, John Cook, eſquires; Patrick Hacket, clerk; John Pyke, eſq; Robert Bradin, clerk; Richard Waller, Thomas Sadlier, John Harriſon, James Harriſon, Thomas Toller, Anthony Carroll, John Hunt, John Parker, jun. Richard Read, William Armeſtronge, John Armeſtronge, John White of Cappagh, Richard Newport, Joſeph Damer, George Lehunt, John Baily, Robert Cole, ——— Bradſtreet of Portlaghan, Thomas Squibb, Henry Lee, John Heade, Hector Vaughan, Humphry Minchin, James Dawſon, William Smithicke, and Thomas Cuffe, eſquires; Mathew Jacob, Andrew Roe, Peter Cooke, jun. of Carrige, William Lane, Phannel Cook, jun. William Turvin, John Minchin, George Burdet, John Hunt, Anthony Charnely, John White, Mayor of Clonmell for the time being; Thomas Hopkins, Thomas Moakes, Richard Denniſon, Philip Carleton, John Cooley, Thomas Prince, Joſeph Biggs, Joſias Haddock, Joſeph Judkins, Richard Chadwick, Robert Minute, Thomas Salmon, Iſaack Hales, John Minchin, Fitz-Charles, Samuel Brogdon, William Latham, Charles Robbinſon, Henry Cooke, of Caſhell, Morgan Wogan of the ſame, and David Lowe of Knockally, gentlemen.

For the county of Wicklow.

William Hoey, ſen. Evan Price, William Mathews, Thomas Burrowes, Robert Stratford, Chriſtopher Caldwell, Abraham Nixon, Richard Whaley, Giddeon Delaune, Thomas Whitſhed, Peter Craddock, ——— Graydon, ——— Foord, and William Robinſon, eſquires; John Price and Richard Edwards, eſquires; Ralph Rule, Peter Ayris, Richard Weſtland, Richard Hogſhead, gentlemen.

For the county of Wexford.

Sir Nicholas Loftus, Sir John Mead, knights; the honourable Philip Savage, Robert Wolſeley, Henry Loftus, Mathew Foord, Andrew Ram, William Hoare, John Shapland, John Chicheſter, Francis Anneſley, Cadwallader Edwards, John Harvey, Nicholas Devereux, John Bunbury, John Cliffe, Charles Baggs, Edward Rogers, Arthur Parſons, Anderſon Saunders, Maurice Anneſly, Thomas Crawford, ——— Onecipherus, ——— Phaire, Nathaniel Boyſe, Robert Dixon, Joſhua Tench, James Underwood, Nicholas Kenoys, ſen. Nicholas Rowe, Edward Jones, eſquires; mayor of Wexford for the time being, ſoveraign of Roſs for the time being, Abell Ram, Edward Jones, Joſhua Nunn, Richard Winckworth, and John Rawkins, eſquires; Talbut Keene, John Hyde, Edward Rottenham, Thomas Barrington, William Anneſly, Roger Lyndon and Jeremy Seyms, gentlemen; ——— Black, eſq.

For

For the city of Waterford.

Richard Chriſtmas, mayor; Anthony Suxbery, eſq; recorder; Thomas Chriſtmas, Joſeph Ivy, John Maſon, James Mutlow, John Hallum, eſquires; Richard Seay, Denis Loyd, William Dennis, aldermen; Samuel Frith, merchant.

For the County of Waterford.

Sir Thomas Oſborne, knight; the honourable Henry Petty, John Maſon, eſq; the high ſheriff for the time being, Samuel Maynard, John Bierr, William Bucknor, Charles Bourchier, Arthur Shane, George Rogers, William Bolton, James Mutlow, William Dobbyn, Thomas Chriſtmas, Henry Nicholl, Richard Chriſtmas, Robert Carew, John Otterington, Arthur St. Leger, Edward May, Timothy Wale, William Bradley, Nicholas Oſborne, John Nettles, William Greatracks, Roger Power, William Congreve, Andrew Bagg, William Browning, Edward Hibbert, Richard Biert, Thomas Croker, eſquires; Mr. John Eccles, archdeacon of Liſmore; John Dalton, cl. dean of Waterford; Lewis Alcock, Robert Breedin, clerks; and Simon Radcliffe, cl. Samuel Hill, Samuel Frith, Beverly Uſher, Edward, Cranwell, and Michael Carew, gentlemen.

For the county of Weſtmeath.

Sir Thomas Packenham, Sir John Rogerſon, knights; the ſheriff of the ſaid county for the time being, Robert Rochfort, eſq; his Majeſty's attorney general; Oliver Lambert, George Peyton, William Handcock, Walter Pollard, Arthur St. George, Charles Lambert, Thomas Smith, Thomas Handcock, John Wood, jun. James Nugent, John Cooke, Chriſtopher Nugent, Robert Packenham, Samuel Low, Edward Bertles, Alexander Murry, Thomas Leſtrange, Ralph Elrington, John Adams, Lewis Meares, ſen. Lewis Meares, jun. Henry Wilton, William Saunderſon, William Gay, Hugh Bowen, John Darby, Barickeus Law, Henry Dodwell, William Jones, Arthur Shane, Guſtavus Hamilton, ſoveraign of Athlone for the time being, and Roger Moore, eſquires; Patrick Dunn, doctor in phiſick; James Pollard, Arthur Judge, Thomas Magan, Dominick French, Thomas Smith of Killtoome, Edmond Brantwaith, John Heneſden, Henry Sybbalds, Oliver Shorne, Charles Smith of Coolevock, Robert Boninge Richard Pilkinton, and Mathew Smith, gentlemen.

XXI. And the ſaid commiſſioners, in order to a ſpeedy execution of this act, ſhall and are hereby required in their reſpective counties, cities, boroughs, towns, baronies, and places, to meet together at the moſt uſual or common place of meeting within ſuch of the ſaid counties, cities, boroughs, towns, baronies, and places reſpectively, on the twelfth day of December next; and the ſaid commiſſioners, or ſo many of them as ſhall be preſent at the firſt general meeting, or the major part of them, may by their conſents and agreements divide, as well themſelves as other the commiſſioners not then preſent for the execution of this act, into baronies, hundreds, wards, towns, and villages, and other places within their limits priviledged or not priviledged, in ſuch manner and form as to them ſhall ſeem expedient, and ſhall direct their ſeveral or joint precept or precepts to ſuch inhabitants, high conſtables, petty conſtables, bailiffs, and other ſuch the officers and miniſters, and ſuch number of them as they in their diſcretion ſhall think moſt convenient, to be preſentors and aſſeſſors, requiring them to appear before the ſaid commiſſioners at ſuch time and place as they ſhall appoint, not exceeding eight days; and at ſuch their appearing, the commiſſioners or ſo many of them as ſhall be thereunto appointed, ſhall openly read or cauſe to be read unto them the rates in this act mentioned, and openly declare the effects of their

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charge unto them, and how and in what manner they ought and ſhould make their certificates according to the rates aforeſaid, and then and there prefix another day to the ſaid perſons to appear before the ſaid commiſſioners, and bring in their certificates of the names and firnames, qualities, degrees, titles, eſtates, profeſſions, imployments, and trades of all and every the perſons dwelling or reſiding within the limits of thoſe places with which they ſhall be charged, and of all other things in reſpect whereof any perſon is or may be chargeable by this act, together with the aſſeſſments of the reſpective rates hereby impoſed on each particular perſon, according to rules and directions hereof, without concealment, love, favour, dread, or malice, upon pain of forfeiture of any ſum not exceeding five pounds, to be levied as by this act is appointed; and ſhall alſo then return the names of two or more able and ſufficient perſons within the bounds and limits of thoſe pariſhes or places, where they ſhall be carried reſpectively as aforeſaid, to be collectors of the money due to his Majeſty by this act, for whoſe collecting and paying unto the receiver or receivers general, his deputy or deputies in manner following, ſuch moneys as they ſhall be charged withal, the pariſh or place by whom they ſhall be employed ſhall be anſwerable; which certificates and aſſeſſments ſhall be aſcertained and returned into the commiſſioners at or before the firſt day of January next, which will be in the year of our Lord one thouſand ſix hundred ninety five, and upon the delivery or returning in of ſuch certificates or aſſeſſments unto the ſaid commiſſioners, they, or any two or more of them, ſhall forthwith iſſue out and deliver their warrants of eſtreats to ſuch collectors as aforeſaid, for the ſpeedy collecting and levying of the ſaid aſſeſſments, and all moneys and rates due thereupon, according to the intent and directions of this act, of which the ſaid collectors are hereby required to make demand of the parties themſelves, or at the places of their laſt abode, within ſix days after the receipt of ſuch warrants or eſtreats, and to levy and pay in at ſuch place as the commiſſioners ſhall appoint unto the reſpective receiver-general, his deputy or deputies; and the reſpective receivers are hereby impowered and required to call upon and haſten the collectors to the ſaid payments, and in default thereof to levy by warrant, under the hand and ſeals of any two or more of the commiſſioners upon the reſpective collectors by diſtreſs, ſuch ſum and ſums of money as they have received, and as ought by them to have been paid, and are not paid by reaſon of their failure in doing their duty reſpectively, according to the direction of this act.

XXII. And be it further enacted by the authority aforeſaid, That a true duplicate of the whole ſum charged within every barony, hundred, pariſh, ward, village, or place rated and aſſeſſed purſuant to this act, without naming the perſons, ſhall under the hands and ſeals of two or more of the commiſſioners thereunto appointed be returned into his Majeſtie's court of Exchequer, before the twenty ſeventh day of January next, one thouſand ſix hundred ninety five (all appeals being firſt determined) and in like manner within thirty days after each of the ſaid quarterly payments, and the like duplicates be alſo in convenient time made out, and delivered unto the receivers-general, ſo as every of them may be duly charged to anſwer their reſpective collections and receipts, and that the ſaid ſeveral ſums be paid in each county to ſuch perſon or perſons as ſhall be appointed by the chief governour or governours of this kingdom for the time being to that purpoſe purſuant to this act, of which appointment notice is to be given ten days before the payment thereof, by publick proclamation to be iſſued by ſuch chief governour or governours; and that the payment of ſuch ſums in each county to ſuch perſon or perſons ſo to be appointed, and the receipt under the hands of ſuch perſon or perſons ſo authorized by ſuch chief governour or governours, owning the receipt of ſuch ſum or ſums, ſhall be a ſufficient diſcharge to the county or place from which the ſame is received, and as ſufficient as any Exchequer acquittance; and upon return of any ſuch certificate the ſaid commiſſioners, or any two or more of them, ſhall and may (if they ſee cauſe) examine the preſentors thereof, and if the ſaid commiſſioners, or any two or more of them, within their ſeveral limits,

ſhall at the time of the delivery of the ſaid certificates, or within twelve days after, have knowledge or reaſonable cauſe of ſuſpicion, that any perſon or perſons, who ought to be mentioned in the ſaid certificates, is or are omitted, or that any perſon or perſons in the ſaid certificates mentioned is not or are not fully and duly charged according to the true intent of this act, the ſaid commiſſioners, or any two or more of them, ſhall have power to warn ſuch perſon or perſons to appear before them at a day and place prefixed, to be examined touching the premiſſes, or any matter which may any wiſe concern the ſame: and if the perſon or perſons warned to be examined ſhall neglect to appear, not having a reaſonable excuſe for ſuch his default, every perſon ſo making default ſhall pay unto his Majeſty double the ſum or rate he ſhould or ought to have been ſet at; and moreover the ſaid commiſſioners, or any two or more of them, ſhall have power, by any lawful ways and means to examine and enquire into all matters and things for or by reaſon of which any perſons are chargeable by this act, and to ſet ſuch rate or rates upon ſuch perſons, as ſhall be according to the true intent and meaning of this act; that every collector for each pariſh ſhall have three pence in the pound for what money he ſhall pay to the collector of each barony or hundred; and that every collector for each barony or hundred ſhall have two pence in the pound for what money he ſhall pay to the perſon or perſons to be appointed by the chief governour or governours of this kingdom for the time being, as aforeſaid.

XXIII. And be it further enacted by the authority aforeſaid, That the preſentors and aſſeſſors for each pariſh within this kingdom, for their labour and pains and performing their reſpective duties in the due execution of this act, ſhall have and receive three pence for every twenty ſhillings *ſterling* they ſhall aſſeſs, and which ſhall be received by the collector or collectors of each pariſh, for which ſuch aſſeſſors or preſentors ſhall be reſpectively appointed as ſuch in purſuance of this act, to be paid by the ſeveral and reſpective collectors of the ſeveral pariſhes; which ſaid payment of three pence *per* pound as aforeſaid ſhall, by the receiver or receivers of the barony or county, be allowed unto ſuch collectors reſpectively, as good payment for ſo much; and the ſaid collectors reſpectively are hereby diſcharged from any claim of his Majeſty touching the ſaid ſum of three pence *per* pound.

XXIV. And to the end the ſaid aſſeſſors or preſentors may have the more regard to the due execution of their offices as aſſeſſors, or preſentors, according to the true intent and meaning of this preſent act; be it enacted by the authority aforeſaid, That the commiſſioners before named for the execution of this act, or any two of them, ſhall and are hereby impowered and required to adminiſter on oath to the reſpective aſſeſſors or preſentors of the ſeveral pariſhes reſpectively appointed them to aſſeſs in purſuance of this act, that they will, according to the beſt of their underſtanding truly perform the office of aſſeſſors or preſentors to them reſpectively committed, without concealment, love, favour, partiality, expectation of reward, dread, hatred, or malice, according to the true intent and meaning of this act; and the ſaid aſſeſſors or preſentors are hereby required, before they enter into or upon the execution of their office, to take the ſaid oath accordingly.

XXV. And for the careful writing and tranſcribing the ſaid warrants, eſtreats, and duplicates in due time, and for making certificates upon appeals; be it further enacted, That the commiſſioners clerks, who ſhall reſpectively perform the ſame, ſhall by warrant under three or more of the commiſſioners hands, have and receive from the reſpective perſon or perſons, who ſhall be appointed in each county by the chief governour or governours of this kingdom for the time being as aforeſaid, to receive the ſeveral ſums purſuant to this act, two pence in the pound, of all ſuch moneys as they ſhall have received by virtue of ſuch warrants and eſtreats, who are hereby appointed to pay the ſame accordingly: and if any perſon or perſons ſhall refuſe to pay the ſeveral ſum and ſums and proportions appointed by this act for ſuch perſons to pay, within the ſpace of ten days after demand, or notice left at the place of reſidence or dwelling of ſuch perſons, by the officer or collector of the

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place, according to the precepts or eſtreats to him delivered by the ſaid commiſſioners, it ſhall be lawful to and for ſuch officer or collector who is hereby thereunto authorized and required, for non-payment thereof to diſtrain the goods or chattles of ſuch perſon or perſons, and the diſtreſs ſo taken to keep by the ſpace of eight days at the coſts and charges of the owners thereof; and if the ſaid owner doth not pay the ſum of money due by this act within the ſaid eight days, then the ſaid diſtreſs to be appraiſed by two or more of the inhabitants where the ſaid diſtreſs is taken, and there to be ſold by the ſaid officer for payment of the ſaid money, and the overplus coming by the ſaid ſale (if any be) over and above the charges of taking and keeping the ſaid diſtreſs, to be immediately reſtored to the owner thereof; and if any perſon or perſons aſſeſſed by this act ſhall refuſe or neglect to pay the ſum or ſums ſo aſſeſſed by the ſpace of ten days after demand as aforeſaid, where no ſufficient diſtreſs can or may be found, whereby the ſame may be levyed in every ſuch caſe three of the commiſſioners by this act appointed for any ſuch city, county, or place, are hereby authorized by warrants under their hands and ſeals to commit ſuch perſon or perſons to the common goal, there to be kept without bayl or mainprize untill payment ſhall be made. And if any perſon certified, aſſeſſed, or rated, find him or herſelf agrieved with ſuch aſſeſſing or rating, and do within five days after demand thereof made complain to the ſaid commiſſioners, or any three or more of them (whereof two ſhall be of the commiſſioners who ſigned or allowed his or her rate) ſhall and may within ſeven days next after ſuch complaint particularly examine the party ſo complaining upon his or her oath, touching the ſame; and upon due examination or knowledge thereof abate, defaulk, encreaſe, or enlarge the ſaid aſſeſſments; and the ſame ſo abated, encreaſed, or enlarged, ſhall be eſtreated by them in the Exchequer in manner aforeſaid; and to that end the ſaid commiſſioners are hereby required to meet together for the determining of ſuch complaints and appeals accordingly.

XXVI. And be it further enacted by the authority aforeſaid, That every perſon to be rated by this act ſhall be rated at ſuch places, where he or ſhe with his or her family ſhall be reſident at the time of the execution of this act; and that every perſon not being a houſholder, nor having a certain place for abode, and all ſervants, ſhall be taxed at the place where they are reſident at the time of the execution of this act; the tax upon ſuch ſervants to be paid by their reſpective maſter or miſtreſs, and to be deducted out of their wages, which deduction the ſaid maſter or miſtreſs is hereby impowered to make.

XXVII. Provided always, That if any perſon, having ſeveral manſion houſes or places of reſidence, ſhall be doubly charged by vertue of this act, that upon certificate made by two or more of the commiſſioners for the county, city, or place (which certificate the ſaid commiſſioners are hereby required to give without delay, fee, or reward) of his or their perſonal reſidence, under their hands and ſeals, of the ſum or ſums there charged upon him or them, or in what capacity or reſpect he or they were ſo charged, and upon oath made of ſuch certificate before any juſtice of the peace of the county or place where ſuch certificate ſhall be made (which oath the ſaid juſtice of the peace is hereby authorized to adminiſter) then the perſon or perſons ſo doubly charged ſhall, for ſo much as ſhall be certified, be diſcharged in every other county, city, or place: and if any perſon at the time of the aſſembling ſhall be out of the realm, ſuch perſon ſhall be rated where ſuch perſon was laſt abiding within the realm; and if any perſon that ought to be taxed by vertue of this act, by changing his place of reſidence, or by fraud, or covin, ſhall eſcape from the taxation, and not to be taxed, and the ſame be proved before the commiſſioners, or any two of them, or two juſtices of the peace of the county where ſuch perſon dwelleth or reſideth, at any time within twelve months next enſuing after ſuch taxation made, every perſon that ſhall ſo eſcape from the ſaid taxation and payment ſhall be charged, upon proof thereof, at the double value of ſo much as he ſhould or ought to have been taxed by this act; the ſaid

double

double value, upon certificate thereof made into the Exchequer by the commiſſioners or juſtices, before whom ſuch proof ſhall be made, to be levied of the goods, chattles, lands, and tenements of ſuch perſons, towards the ſupply aforeſaid.

XXVIII. Provided always, That the commiſſioners within any county or place within their reſpective limits, or the major part of them, ſhall tax and aſſeſs every other commiſſioner joined with them; and the commiſſioners within their diviſion ſhall aſſeſs every aſſeſſor within their diviſion; and as well all ſums upon every of the ſaid commiſſioners and aſſeſſors, as the aſſeſſments made and preſented by the preſenters as aforeſaid, ſhall be written, eſtreated, levied, and gathered, as the ſame ſhould and ought to have been, if the ſaid commiſſioners had not been named commiſſioners.

XXIX. And be it further enacted by the authority aforeſaid, That if any aſſeſſor, collector, receiver, or any other perſon appointed by the commiſſioners ſhall wilfully neglect or refuſe to perform his duty in the due and ſpeedy execution of this preſent act, the ſaid reſpective commiſſioners, or any two or more of them, may and ſhall by vertue of this act impoſe on ſuch perſon or perſons, ſo refuſing or neglecting their duties, any fine not exceeding twenty pounds for any one offence; the ſame to be levied and certified as aforeſaid into his Majeſtie's court of Exchequer, and charged upon the reſpective receivers amongſt the reſt of the rates aforeſaid; and the ſaid commiſſioners, or any two or more of them, may or ſhall from time to time, call for and require an account from the reſpective receivers of all the moneys received by them of the ſaid collectors, and of the payment thereof, according to the direction of this act: and in caſe of any failure in the premiſſes, the ſaid commiſſioners, or any two or more of them, are hereby required to cauſe the ſame to be forthwith levied and paid according to the true intent and meaning of this act: and in caſe of any crontroverſy ariſing between the ſaid commiſſioners, concerning the ſaid rates or aſſeſſments, the commiſſioners that ſhall be concerned therein, ſhall have no voice, but ſhall withdraw during the debate of ſuch controverſy, untill it be determined by the reſt of the commiſſioners; and in default thereof, that the commiſſioners then preſent ſhall have power, and are hereby required, to impoſe ſuch fine or fines as to them ſhall be thought fit, upon ſuch commiſſioners ſo refuſing to withdraw, not exceeding twenty pounds, and to cauſe the ſame to be levyed and paid as other fines to be impoſed by vertue of this act are to be levied and paid: and all queſtions and differences that ſhall ariſe touching any of the ſaid rates, taxes, aſſeſſments, or levies, and the collecting thereof, ſhall be heard and finally determined by three or more of the commiſſioners, upon complaint thereof to them made by any perſon or perſons thereby grieved, without further trouble or ſuite in law; and the ſaid receiver, his deputy, or deputies, ſhall give acquittances *gratis* to the ſaid collectors, for all moneys of them received in purſuance of this act; which acquittances ſhall be a full diſcharge to the ſaid collectors reſpectively; and the ſaid collectors ſhall make and deliver to the ſaid receivers, their deputy or deputies, a perfect ſchedule fairly written in parchment under their hands and ſeals, ſigned, and allowed by any two or more of the reſpective commiſſioners, containing the names and ſirnames and places of abode of every perſon within their reſpective collection, that ſhall make default of payment of any the ſums that ſhall be rated or aſſeſſed on ſuch perſons by virtue of this act, and the ſum and ſums charged on every ſuch perſon, the ſame to be returned by him into his Majeſtie's Exchequer, whereupon every ſuch perſon making default of payment may be charged by proceſs of the ſaid court, according to the courſe thereof in that behalf.

XXX. And be it further enacted by the authority aforeſaid, That no letters patents granted by the King or late Queen's Majeſties, or any of their royal predeceſſors, or to be granted by his Majeſty, to any perſon or perſons, cities, burroughs, or towns corporate within this realm of any manner of liberties,

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privileges, or exemptions from ſubſidies, tolls, taxes, aſſeſſments, or aids, ſhall be conſtrued or taken to exempt any perſon or perſons, city, burrough, or town corporate, or any the inhabitants of the ſame, from the burthen or charge of any ſum or ſums of money granted by this act, and all *non-obſtantes* in ſuch letters patents, for any ſuch purpoſe or intent, are declared to be void and of none effect.

XXXI. And be it further enacted by the authority aforeſaid, That all conſtables, head-burroughs, and other his Majeſtie's officers, ſhall and are hereby required and enjoined to be reſpectively aiding and aſſiſting in the execution of this act, and to obey and execute ſuch precepts or warrants as ſhall be to them directed in that behalf by the reſpective commiſſioners hereby appointed, or to any two or more of them.

XXXII. And be it further enacted by the authority aforeſaid, That if any action, plaint, ſuit or information, ſhall be commenced or proſecuted againſt any perſon or perſons, for what he or they ſhall do in purſuance or in execution of this act, ſuch perſon or perſons, ſo ſued in any court whatſoever, ſhall or may plead the general iſſue not guilty, and upon any iſſue joined may give this act and the ſpecial matter in evidence; and if the plaintiff or proſecutor ſhall become non ſuit, or forbear further proſecution, or ſuffer diſcontinuance, or if a verdict paſs againſt him, the defendant and defendants ſhall recover treble coſts, for which they ſhall have the like remedy as in caſe where coſts by law are given to the defendants.

XXXIII. And be it further enacted by the authority aforeſaid, That the reſpective parents, guardians, and tutors of every perſon under the age of one and twenty years ſhall, upon default of payment of ſuch perſon, and upon demand pay what is due and payable by this act, for every ſuch perſon reſiding in their family or under their tuition, as before herein is mentioned.

XXXIV. And be it further enacted by the authority aforeſaid, That all money due and payable by this act ſhall be paid by the particular collectors of the reſpective counties, cities, burroughs, towns, pariſhes, and places, who ſhall collect the ſame, unto ſuch receiver or receivers as ſhall by his excellency the lord deputy, or other chief governour for the time being, be appointed as before is mentioned.

XXXV. And be it further enacted by the authority aforeſaid, That the particular collectors for payment of any ſums by them received unto ſuch receiver or receivers, ſo to be appointed as aforeſaid, ſhall not be obliged to travel above twenty miles from the place of their habitations.

XXXVI. And be it further enacted by the authority aforeſaid, That every receiver of any hundred, barony, or diviſion, from time to time, within the ſpace of one month next after he ſhall have received the full ſum that ſhall be charged upon any hundred, barony, or diviſion, for each particular quarterly payment that is to be made to ſuch receiver by vertue of this act, ſhall give the commiſſioners who ſhall act in ſuch hundred, barony, or diviſion, a receipt under his hand and ſeal, acknowledging his receipt of the full ſum charged upon ſuch hundred, barony, or diviſion, for ſuch particular payment, and the receipt of ſuch receiver or receivers as ſhall be appointed by the lord deputy of this kingdom, or other chief governour or governours of this realm for the time being as aforeſaid, to every collector of any barony, hundred, or diviſion, for ſo much of the ſaid aſſeſſment as ſhall be contained in ſuch receipt, ſhall be a full diſcharge to ſuch barony, hundred or diviſion, againſt his Majeſty, his heirs and ſucceſſors.

XXXVII. And for preventing ſuch unjuſt vexations as might be occaſioned by ſuch perſons as ſhall be appointed to make returns of ſuch perſon and perſons as make default in payment of the ſum or ſums on him or them aſſeſſed by this act; and to the intent ſuch perſon or perſons may return true account or accounts into his Majeſty's court of Exchequer of ſuch ſum of money as ſhall not be received by them and every of them, their and every of their deputy and deputies; be it enacted by the authority aforeſaid, That if any ſuch perſon ſhall return or certifie into the

ſaid

ſaid court, any ſum or ſums of money to be in arrear or unpaid, after the ſame hath been received, ſuch perſon or perſons ſo making ſuch return or returns, or ſhall cauſe any perſon or perſons to be ſet *inſuper* in the ſaid court, for any ſum or ſums of money that hath been ſo received, that then every ſuch perſon or perſons making ſuch returns ſhall forfeit to every perſon or perſons that ſhall be moleſted, vexed, or damaged, by reaſon of ſuch unjuſt certificate, return or ſetting *inſuper*, treble damages that ſhall be thereby occaſioned; the ſaid damages to be recovered by action of debt, bill plaint, or information, in which no eſſoyn, protection, or wager of law ſhall be allowed, nor any more than one imparlance; and ſhall alſo forfeit unto his Majeſty, his heirs and ſucceſſors, double the ſum that ſhall be ſo unjuſtly certified, or returned, or cauſed to be ſet *inſuper*.

XXXVIII. Provided always, That all penalties and forfeitures to be incurred for any offences againſt this act, for which there is no way for levying herein before preſcribed or appointed, ſhall be levyed by warrant of any two or more of the reſpective commiſſioners of the diviſion or place, where any ſuch offence was or ſhall be committed, by diſtreſs and ſale of the goods of the offender, rendering the overplus to the owner thereof, after deduction of reaſonable charges for diſtraining the ſame.

XXXIX. And be it further enacted by the authority aforeſaid, That the commiſſioners in every county, at the general meeting, to be by them appointed after all appeals ſhall be firſt determined, ſhall cauſe duplicates of the whole ſums charged within every hundred, barony, ward, or place rated and aſſeſſed in ſuch county in purſuance of this act, without naming the perſons, to be fairly written in parchment, and aſcertained under three or more of their hands reſpectively to each duplicate, and the ſame ſo by them ſubſcribed and aſcertained ſhall be jointly and together delivered to the ſheriff of ſuch county, and be by him tranſmitted to the Exchequer at or before the three and twentyeth day of January next.

XL. Provided always, That no perſon ſhall be capable of acting as a commiſſioner in the execution of this act, before he ſhall take the oaths, and ſubſcribe the declaration appointed by this act: *viz.*

I A B. *do ſincerely promiſe and ſwear, that I will be faithful and bear true allegiance to his Majeſty King William.*

So help me God.

I A B. *do ſolemnly and ſincerely in the preſence of God profeſs, teſtify, and declare that I do believe that in the Sacrament of the Lord's Supper there is not any tranſubſtantiation of the elements of bread and wine into the body and blood of Chriſt, at or after the conſecration thereof, by any perſon whatſoever; and that the invocation and adoration of the Virgin Mary, or any other ſaint, and the ſacrifice of the maſs, as they are now uſed in the church of Rome, are ſuperſtitious and idolatrous; and I do ſolemnly in the preſence of God profeſs, teſtify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words read unto me, as they are commonly underſtood by proteſtants, without any evaſion, equivocation, or mental reſervation whatſoever, and without any diſpenſation already granted me for this purpoſe by the Pope, or any other authority or perſon whatſoever, or without diſpenſation from any perſon or authority whatſoever, or without believing that I am or can be acquitted before God or man, or abſolved of this declaration, or any part thereof, although the Pope, or any other Perſon or Perſons or power whatſoever, ſhould diſpence with or annul the ſame, or declare that it was null and void from the beginning.*

A. D. 1695.

Which ſaid oath and declaration is the ſame oath and declaration intended alſo to be adminiſtred to, and be made and ſubſcribed by ſuch, not being quakers, as already have not taken the ſaid oath, to excuſe them from paying double as aforeſaid; which oath and declaration it ſhall and may be lawful for any two or more of the commiſſioners to adminiſter and take; and they are hereby authorized and required to adminiſter and take the ſame, to and from any other commiſſioner: and in caſe any perſon named a commiſſioner for putting in execution this act ſhall preſume to act as a commiſſioner before he ſhall have taken the ſaid oath, and made and ſubſcribed the ſaid declaration, he ſhall forfeit to his Majeſty the ſum of two hundred pounds.

XLI. And be it further enacted by the authority aforeſaid, That the ſeveral and reſpective judges, officers, lawyers, attorneys, and practicers of the law of his Majeſties Inns in Dublin, and the judges, lawyers, and attorneys belonging to the Four Courts, ſhall be rated and aſſeſſed by this act, according to ſuch proportions as are impoſed by this act; and the judges, benchers, and other governours of ſuch reſpective places and ſocieties, or any three of them, are hereby appointed commiſſioners to put in execution this preſent act, and ſhall have like powers and authorities as any other commiſſioners by this act appointed.

XLII. And be it further enacted by the authority aforeſaid, That every houſholder ſhall, upon the demand of the reſpective aſſeſſors of the ſeveral pariſhes or places, give an account of the names and qualities of ſuch perſons as ſhall ſojourn or lodge in their reſpective houſes, under the penalty of forfeiting to his Majeſty the ſum of ten pounds, to be levyed and recovered in ſuch manner as other penalties in this act mentioned are to be levyed and recovered.

CHAP. XVI.

An Act for granting unto His Majeſty, an Aid or additional Cuſtom on the ſeveral Goods and Merchandizes therein mentioned.

Supplies granted this ſeſſions not ſufficient.

WE your Majeſty's moſt loyal ſubjects, the commons of Ireland in Parliament aſſembled, being convinced that the ſupplies, already granted unto your Majeſty this ſeſſion of Parliament, are not ſufficient to anſwer your Majeſty's occaſions; and deſiring to ſhew the ſenſe we have of the great benefit we daily reap under your moſt happy government, which we reſolve always to ſupport with ſuch neceſſary ſupplies of money as your Majeſty's affairs require, and the condition of the kingdom will bear, have given and granted unto your excellent Majeſty an aid or additional duty, to be raiſed and levied upon the goods and merchandizes following: (that is to ſay) on tobacco, old drapery new drapery, muſlin, callicoes; all ſorts of linnen, Scotch cloth, and wine, that ſhall be imported into this kingdom, according to ſuch rates, and during ſuch time, and in ſuch manner and form as is herein after mentioned and expreſſed: and we humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all Tobacco, old drapery, and new drapery (except ſuch old and new drapery that ſhall be of the manufactury of England, and imported thence) muſlin, callicoes; all ſorts of linnen, Scotch cloth, and wines (except wines of the growth of Spain, and of the dominions thereunto belonging) that ſhall be imported into this kingdom, at any time from and after the day of the royal aſſent given to this act unto the twenty fifth day of December, which will

Additional duties on tobacco, old and new drapery, muſlin, callicoes, linen, Scotch cloth, wine imported.

Drapery of manufacture of England excepted, and alſo wines of Spain.

Continuance of this act, to 25 Dec. 1699.

be in the year of our lord God one thouſand ſix hundred ninety and nine, and no longer, ſhall anſwer and pay unto his Majeſty, his heirs and ſucceſſors, over and above all rates and duties due or payable for or out of the ſame, by vertue of any former law or laws in force at the making of this act, the rates and duties hereafter mentioned, (that is to ſay) for every pound weight of tobacco, imported within the time aforeſaid, one penny halfpenny *ſterl.* and for every yard of old drapery imported within the time aforeſaid, except as before excepted, twelve pence *ſterl.* and for every yard of new drapery imported within the time aforeſaid, except as before excepted, four pence *ſterl.* and for every ell of muſlin, callico, and of all and of every other ſorts of linnen imported within the time aforeſaid (Scotch cloth excepted) ſix pence *ſterl.* and for every yard of Scotch cloth imported within the time aforeſaid, ſix pence *ſterl.* and for every tun of wine (except wines of the growth of Spain, and of the dominions thereunto belonging) imported within the time aforeſaid, three pounds *ſterl.* and ſo proportionably for a greater or leſſer quantity.

Additional rates payable.

II. And be it further enacted by the authority aforeſaid, That the ſaid ſeveral duties ſhall be raiſed, collected, levied, and paid unto your Majeſty, your heirs and ſucceſſors, during the time aforeſaid, at the ſame times, and in the ſame manner and places, and by ſuch rules, means and ways, and under ſuch penalties and forfeitures, as are mentioned and expreſſed in one act of Parliament, made in a ſeſſion of Parliament, which began the eighth day of May, in the thirteenth year of the reign of the late King Charles the ſecond, intituled, *An act for ſettling the exciſe or new impoſt*, upon the ſaid late King Charles the ſecond, his heirs and ſucceſſors; the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to the book of rates, to the ſaid act annexed.

To be raiſed and paid as in the act for ſettling the exciſe upon King *C.* 2.

III. And whereas ſome doubt hath lately ariſen, whether tobacco imported into this kingdom ought to pay, or is chargeable with unto his Majeſty, any greater duty, upon any account whatſoever, than two pence halfpenny for every pound weight, by vertue of any law or laws in force before the making of this act: for the ſettling whereof, and for prevention of all controverſy for the future touching the ſame, be it enacted and declared by the authority aforeſaid, That no more than two pence halfpenny, for every pound weight of tobacco imported into this kingdom, was or is payable, or do or did of right belong unto his Majeſty, or any of his predeceſſors, by virtue of any act or acts of Parliament or law whatſoever in force in this kingdom before or at the time of the paſſing of this preſent act, other than the additional duty of one penny halfpenny *per* pound, charged as aforeſaid.

For clearing a doubt as to the duty on tobacco,

no more than two pence halfpenny *per* pound weight of tobacco payable to the King, other than the additional duty of one penny half-penny by this act;

IV. Provided always, and be it enacted by the authority aforeſaid, That the merchant, or other importer of any tobacco, ſo charged as aforeſaid with the ſaid additional duty of one penny halfpenny *per* pound weight, ſhall have like time for payment of ſuch additional duty as they had, or ought to have, by vertue of the above-named act of exciſe or new impoſt; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

For payment whereof importer to have like time as by the ſaid act of exciſe.

CHAP. XVII.

An Act for the better Observation of the Lord's-Day, commonly called Sunday.

29 C. 2. 7. *Eng.*

FOR the better observation and keeping holy the Lord's-day, commonly called Sunday; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled, and by the authority of the same, That all and every person and persons whatsoever shall on every Lord's-day apply themselves to the observation of the same, by exercising themselves thereon in the duties of piety and true religion publickly and privately: and that no tradesman, artificer, workman, labourer, or other person whatsoever, shall do or exercise any worldly labour, business, or work of their ordinary callings upon the Lord's-day, or any part thereof (works of necessity and charity only excepted:) and that every person, being of the age of fourteen years, or upwards, offending in the premisses, shall for every such offence forfeit the sum of five shillings; and that no person or persons whatsoever shall publickly cry, shew forth, or expose to sale any wares, merchandizes, fruit, herbs, goods or chattels whatsoever upon the Lord's-day, or any part thereof, upon pain that every person so offending shall forfeit the same goods so cried, or shewed forth, or exposed to sale.

All persons to observe the Lord's-day, and exercise duties of religion publickly and privately.

No worldly labour or calling exercised, works of necessity or charity excepted.

Penalty 5s. on offenders of age of fourteen.

Goods cried or exposed to sale forfeited.

II. And it is further enacted, That no drover, horse-courser, waggoner, carrier, butcher, higler, their or any of their servants, shall travel, or come into his or their inn or lodging, upon the Lord's-day, or any part thereof, upon pain that each and every such offender shall forfeit twenty shillings for such offence.

No drover, carrier, &c. to travel or come to his inn on Sunday on pain of 20s.

3 C. 1. 1. *Eng.*

III. And for prevention of disorders and breaches of the peace, which commonly happen in divers parts of the kingdom, by reason of tumultuous and disorderly meetings, which have been, and frequenty are used on the Lord's-day, commonly called Sunday, under pretence of hurling, commoning, foot-ball playing, cudgels, wrestling, or other sports; be it further enacted by the authority aforesaid, That no person or persons whatsoever shall play, use, or exercise any hurling, commoning, foot-ball playing, cudgels, wrestling, or any other games, pastimes, or sports on the Lord's-day, or any part thereof: and if any person or persons

To prevent breach of the peace by disorderly meetings, hurling, foot-ball, cudgels, and other pastimes on Sunday prohibited.

1 C. 1. *Eng.*

ſhall offend therein, and be thereof convicted in ſuch manner as herein after directed, every ſuch perſon and perſons ſhall forfeit the ſum of twelve pence *ſterl.* for every ſuch offence, to be immediately paid to ſuch juſtice of the peace, officer or officers, before whom ſuch conviction ſhall be: and that if any perſon offending againſt this act, or any thing therein contained, ſhall be thereof convicted before any juſtice of the peace of the county, or of the chief officer or officers, or any juſtice of the peace, of or within any city, burrough, or town corporate, where the ſaid offence ſhall be committed, upon his or their view, or confeſſion of the party, or proof of any one or more witneſſes by oath, which the ſaid juſtices, chief officer or officers, is by this act authorized to adminiſter; the ſaid juſtice, or chief officer or officers ſhall give warrant under his or their hands and ſeals to the conſtables or church-wardens of the pariſh or pariſhes, where ſuch offence ſhall be committed, to ſeize the ſaid goods cried, ſhewed forth or put to ſale as aforeſaid, and to ſell the ſame; and to levy the ſaid other forfeitures or penalties by way of diſtreſs and ſale of the goods of every ſuch offender diſtrained, rendring to the ſaid offender the overplus of the monies raiſed thereby: and in default of ſuch diſtreſs, or in caſe of inſufficiency or inability of the ſaid offender to pay the ſaid forfeitures and penalties, that then the party offending be ſet publickly in the ſtocks by the ſpace of two hours; and all and ſingular the forfeitures or penalties aforeſaid ſhall be employed and converted to the uſe of the poor of the pariſh where the ſaid offences ſhall be committed; ſaving only that it ſhall and may be lawful to and for any juſtice, mayor, or head officer or officers, out of the ſaid forfeitures or penalties to reward any perſon or perſons that ſhall inform of any offence againſt this act, according to their diſcretions; ſo as ſuch reward exceed not the third part of the forfeitures or penalties: provided that nothing in this act contained ſhall extend to the prohibiting of dreſſing meat in families, or dreſſing or ſelling of meat in inns, cooks ſhops, or victualling-houſes, for ſuch as otherwiſe cannot be provided; nor the crying or ſelling of milk or fiſh before ten of the clock in the morning, or after four of the clock in the afternoon; nor to the uſing of hackney-coaches in or about the city of Dublin.

Penalty 12d. every offence.

Juſtice of peace upon conviction to iſſue warrants to the conſtable,

to levy by diſtreſs and ſale, to uſe of the poor,

in default of diſtreſs, offender ſet in ſtocks two hours.

Reward to informers not above one third out of the forfeiture.

Meat may be dreſſed in families, inns, *&c.* for ſuch as otherwiſe cannot be provided: and milk or fiſh ſold before ten or after four; and hackney coaches uſed in or about Dublin.

IV. Provided alſo, That no perſon or perſons ſhall be impeached, proſecuted, or moleſted, for any offence before-mentioned in this act, unleſs he or they be proſecuted for the ſame within ten days after the offence committed.

Proſecution to be in ten days.

A. D. 1695. Chap. 17.

V. Provided, and be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, which ſhall travel on the Lord's-day, ſhall be then robbed, that no hundred, or the inhabitants thereof, ſhall be charged with or anſwerable for any robbery ſo committed; but the perſon or perſons ſo robbed ſhall be barred from bringing any action for the ſaid robbery; any law to the contrary notwithſtanding.

The hundred not anſwerable for robberies upon travellers on Sundays:

VI. Nevertheleſs the inhabitants of the counties, hundreds, or baronies, after notice of any ſuch robbery to them or ſome of them given, or after huy and cry for the ſame to be brought, ſhall make, or cauſe to be made, freſh ſuite and purſuite after the offenders, with horſe-men and foot-men, according to the ſtatute made in the tenth year of the reign of King Charles the firſt, upon pain of forfeiting to the King's Majeſty, his heirs and ſucceſſors, as much money as might have been recovered againſt the ſaid hundred or barony by the party robbed, as if this law had not been made.

but after notice of hue and cry ſhall make freſh ſuit, according to 10 & 11 *C.* 1. 13. on pain of forfeiture of ſo much as might have been recovered.

VII. Provided alſo, and be it enacted, That no perſon or perſons upon the Lord's-day, commonly called Sunday, ſhall ſerve, or execute, or cauſe to be ſerved or executed, any writ, proceſs, warrant, order, judgment, or decree (except in caſes of treaſon, felony, or breach of the peace); but that the ſervice of every ſuch writ, proceſs, warrant, order, judgment, or decree, ſhall be void to all intents and purpoſes whatſoever; and the perſon and perſons ſo ſerving or executing the ſame ſhall be as lyable to the ſuit of the party grieved, and to anſwer damage to him for doing thereof, as if he or they had done the ſame without any writ, proceſs, warrant, order, judgment, or decree at all.

Service of proceſs on Sunday void, except in treaſon, felony, or breach of peace.

Damages for the ſame, as if done without any writ, *&c.*

VIII. And for the better preventing drinking and intemperance on the Lord's-day, commonly called Sunday, be it alſo enacted by the authority aforeſaid, That no keeper of any tavern, ale-houſe, or publick victualling-houſe, ſhall receive, entertain, or permit to remain in his houſe, any perſon or perſons during the time of divine ſervice, except thoſe who are of their own family, or lodgers in the ſaid houſe; or furniſh them with wine, ale, beer, or other liquor of any ſort, upon the penalty of forfeiting of ten ſhillings for every ſuch offence, to be paid by every ſuch keeper of taverns, ale-houſes, or publick victualling-houſes; and alſo of the ſum of five ſhillings, to be forfeited by every ſuch perſon or perſons, who ſhall enter or remain in ſuch taverns, ale-houſes, or victualling-houſes, contrary to this act.

Tavern-keepers, *&c.* not to entertain or furniſh liquors during divine ſervice, on pain of 10s. except their own family; they who enter or remain there forfeit 5s.

IX. And

A. D. 1695.

IX. And for the better execution thereof, all conſtables and church-wardens of pariſhes, within the ſeveral cities and towns corporate within this realm, are commanded and required frequently, and as often as they have reaſonable cauſe ſo to do, to enter into all taverns, ale-houſes, and victualling-houſes, within their pariſhes or diſtricts, where they ſhall reaſonably ſuſpect any perſon to be and remain, contrary to the intent of this preſent act; and to apprehend ſuch perſons as they ſhall find, or reaſonably ſuſpect to be offenders againſt the ſame; and alſo the maſter or keeper of ſuch houſe, where ſuch offenders ſhall be apprehended, and them in cuſtody to carry before the next, or ſome other juſtice of peace near the place where ſuch perſon ſhall be apprehended; which juſtice or juſtices of the peace are hereby impowered to examine witneſſes upon oath, touching the breach of this law; and after examination to proceed to a conviction, or acquittal of the perſons accuſed, which ſhall be final to all parties; and if ſuch juſtice or juſtices of the peace ſhall, upon proof, convict the perſons accuſed to have offended againſt this law, the ſaid juſtice of peace ſhall forthwith demand from ſuch offenders the penalties on them intended to be impoſed by this act, and to receive the ſame; and in default of payment to commit the offender to the goal of the ſaid county, till he ſhall have made payment of the ſame; which ſum ſo paid and received ſhall be applyed to the uſe of the poor of the reſpective pariſhes, where ſuch offences have been or ſhall be committed.

Conſtables and church-wardens are frequently to enter taverns, and apprehend offenders, and carry before a juſtice, before whom conviction or acquital final.

And the juſtice to receive the penalty for uſe of the poor, and in default of payment commit offender to goal.

X. Provided nothing herein contained ſhall extend to perſons who have been in any inns before the Lord's-day, commonly called Sunday, and deſign to abide there on Sunday; but it ſhall and may be lawful for ſuch perſons to continue and remain in ſuch inns and publick-houſes, as if this act had never been made.

Not to extend to perſons in inns before, and intending to abide there on Sunday.

XI. Provided alwayes, That this act ſhall commence and take effect on the firſt day of November, in the year of our Lord one thouſand ſix hundred ninety five, and not before.

Commencement of the act 1 November 1695.

CHAP. XVIII.

An Act for taking ſpecial Bails in the Country, upon Actions and Suits depending in the Courts of King's Bench, Common Pleas, and Exchequer at Dublin.

FOR the greater eaſe and benefit of all perſons whatſoever, in taking the recognizances of ſpecial bail upon all actions and ſuits depending or to be depending in any the courts of King's Bench, Common Pleas, or Exchequer at Dublin; be it enacted by the King's moſt excellent Majeſty, by and with the

4 *W. & M.* 4. *Eng.*

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advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the chief juſtice, and other the juſtices of the court of King's Bench for the time being, or any two of them, whereof the chief juſtice for the time being to be one for the ſaid court of King's Bench, and the chief juſtice of the court of Common Pleas, and other the juſtices there for the time being, or any two of them, whereof the chief juſtice of the ſame court, to be one for the ſaid court of Common Pleas, and alſo the chief baron and barons of the court of Exchequer for the time being, or any two of them, whereof the chief baron for the time being to be one for the ſaid court of Exchequer, may and are required, by one or more commiſſion or commiſſions, according to the largeneſs of the ſeveral counties, under the ſeveral ſeals of the ſaid reſpective courts, from time to time as need ſhall require, impower ſuch and ſo many perſons, other than common attorneys and ſolicitors, as ſhall be fit and neceſſary, in all and every the ſeveral counties within the kingdom of Ireland, to take and receive all and every ſuch recognizance or recognizances of bail or bails, as any perſon or perſons ſhall be willing or deſirous to acknowledge or make before any of the perſons ſo impowered, in any action or ſuit depending, or hereafter to be depending in the ſaid reſpective courts, or any of them, in ſuch manner and form, and by ſuch bail piece, as the juſtices and barons of the ſaid reſpective courts have uſed to take the ſame; for each of which commiſſions there ſhall be paid thirteen ſhillings and four pence and no more; which ſaid recognizance or recognizances of bail or bail piece, ſo taken as aforeſaid, ſhall be tranſmitted to ſome or one of the juſtices or barons of the ſaid reſpective courts, where ſuch action or ſuit ſhall be depending; and upon affidavit made of the due taking of the recognizance of ſuch bail piece, by ſome credible perſon preſent at the taking thereof, ſuch chief juſtice or chief baron, juſtice or baron, ſhall receive the ſame, upon payment of ſuch fees as have been uſually received for the taking of ſpecial bails by the juſtices and barons clerks, and other the officers of the ſaid reſpective courts; which recognizance of bail or bail piece, ſo taken and tranſmitted, ſhall be of the like effect as if the ſame were taken *de bene eſſe*, before any of the ſaid juſtices and barons; for the taking of every which recognizance or recognizances of bail or bail piece, the perſon or perſons ſo impowered, ſhall receive only the ſum or fee of two ſhillings, and no more.

Judges under ſeal of reſpective courts, may impower commiſſioners (not common attorneys or ſolicitors) in every county to take recognizance of bail in actions depending.

13s. & 4d. payable for each commiſſion.

Said recognizance or bail piece to be tranſmitted to the court where ſuit depending, and on affidavit of the due taking it, ſhall be received on payment of uſual fees,

and of like effect as if taken *de bene eſſe* before the judges.

Fee 2s. for taking ſaid recognizance.

II. And be it further enacted by the authority aforeſaid, That the juſtices and barons reſpectively in the ſeveral courts ſhall make ſuch rules and orders for the juſtifying of ſuch bails, and

Judges may make rules for juſtifying ſuch bail, ſo as

making

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making the ſame abſolute, as to them ſhall ſeem meet; ſo as the cognizor or cognizors of ſuch bail or bails be not compelled to appear in perſon in any of the ſaid courts to juſtifie him or themſelves, but the ſame may and is hereby directed to be determined by affidavit or affidavits duly taken before the ſaid commiſſioners, who are hereby impowered and required to take the ſame, and alſo to examine the ſureties upon oath touching the value of their reſpective eſtates, unleſs the cognizor or cognizors of ſuch bail do live within the city of Dublin, or within ten miles thereof.

cogniſor not compelled to appear in court, but by affidavit before ſaid commiſſioners, who are to examine ſureties as to value of their eſtates: unleſs where cogniſors live in Dublin or ten miles.

III. And be it further enacted by the authority aforeſaid, That any judge of aſſize in his circuit ſhall and may take and receive all and every ſuch recognizance and recognizances of bail or bails, as any perſon ſhall be willing and deſirous to make and acknowledge before him; which, being tranſmitted in like manner as aforeſaid, ſhall without oath be received in manner as aforeſaid, upon payment of the uſual fees.

Judge of aſſize may take bail, to be tranſmitted and received, without oath, as aforeſaid.

IV. And be it further enacted by the authority aforeſaid, That any perſon or perſons, who ſhall before any perſon or perſons impowered by virtue of this act as aforeſaid, to take bail or bails, repreſent or perſonate any other perſon or perſons, whereby the perſon or perſons ſo repreſented and perſonated may be lyable to the payment of any ſum or ſums of money for debt or damages, to be recovered in the ſame ſuit or action wherein ſuch perſon or perſons are repreſented and perſonated, as if they had really acknowledged and entered into the ſame, being lawfully convicted thereof, ſhall be adjudged, eſteemed, and taken to be felons, and ſuffer the pains of death, and incur ſuch forfeitures and penalties, as felons in other caſes convicted or attainted do by the law of this realm loſe and forfeit.

Felony to perſonate another before ſaid commiſſioners. 21 *J.* 1. 26. *Eng.*

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CHAP. XIX.

An Act for granting tales *on tryals to be had in the Court of the County Palatine of Tipperary, before the Seneſchal.*

This court taken away by 2 G. 1. 8.

WHEREAS it has been found by experience that the non-appearance of jurors hath been a great delay to the doing juſtice, and by conſequence very prejudicial to his Majeſty's ſubjects; for the remedy whereof, in caſes to be tryed by *niſi prius*, a good law hath been enacted in this kingdom in the tenth year of the reign of Charles the firſt, late King of England, &c. and intituled, *An act concerning the appearance of jurors in the* niſi prius: and whereas all tryals in the county palatine court of Tipperary are had at the bar of the ſaid court, and can only be tryed by jurors returned in the *venire*, which hath been found to be very grievous to all ſuch perſons as have right to demand or recover any lands, tenements, or hereditaments, or other thing whatſoever within the ſaid county palatine: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, with the aſſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That on all tryals hereafter to be had in any cauſe whatſoever in the ſaid court of the ſaid county palatine, to be held before the ſeneſchal thereof, upon the jurors non-appearance, it ſhall and may be lawful for either party, plaintiff or defendant, to demand a *tales de circumſtantibus*, which ſhall be granted by the court, and returned by the proper officer and officers, in ſuch manner and form, and to ſuch effect and purpoſe, as by the ſaid ſtatute made the tenth year of the reign of the late King Charles the firſt, intituled, *An act concerning the appearance of jurors in the* niſi prius, is provided upon tryals of *niſi prius*; and that all tryals ſo had, ſhall for ever hereafter be adjudged, conſtrued, and taken to be valid and ſufficient in law, notwithſtanding any exception that may or ſhall be taken, by reaſon of ſuch tryal or tryals was or were had by perſon or perſons returned upon the *tales* as aforeſaid.

On trials in county palatine of Tipperary upon non-appearance of jurors, tales may be demanded and returned, as by 10 *C.* 1. 13. ſeſſ. 2.

CHAP. XX.

An Act concerning Fines in the County Palatine of Tipperary.

WHEREAS it is for the common good and advantage of the publick, that the eſtates of purchaſers for valuable conſiderations, ſhould be ſecured unto them, towards which nothing has conduced more than fines levyed in due form of law: and whereas ſome doubt may ariſe concerning the validity of fines levyed in the county palatine court of Tipperary, according to the cuſtom and uſage thereof, whereby the eſtates of ſeveral of his Majeſty's ſubjects, who have been and may hereafter be purchaſers of lands, tenements, and hereditaments, being within the juriſdiction of the ſaid palatinate, may to their great prejudice be called in queſtion: for remedy whereof, be it enacted by your moſt excellent Majeſty, by and with the advice of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular the fines, heretofore levyed in the court of the ſaid county palatine, ſhall be of the ſame force and efficacy in law, as fines with proclamations levyed before his Majeſty's juſtices of the Common Pleas in this kingdom; and that all and ſingular

Fines levied in ſuch court of like force as if in C. B.

But ſaid court taken away by 2 *G.* 1. 8.

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fines, which at any time hereafter ſhall be levyed or acknowledged in any term, before the judge or judges in the ſaid county palatine of Tipperary, for the time being, of any lands, tenements, or other hereditaments, lying or being within the ſaid county palatine, which ſhall be openly read and proclaimed in the open court, in the preſence of the judge or judges in the term held for the ſaid Palatinate, being the ſame term that the ſame ſhall fortune to be ingroſſed, and alſo that ſhall be openly read and proclaimed in the preſence of the judge or judges of the ſaid county palatine of Tipperary, or one of them for the time being, at two terms that ſhall be holden in the ſaid county palatine of Tipperary, before the judge or judges of the ſame, or one of them, next after the levying and engroſſing of ſuch ſaid fine, ſhall be of like and of the ſame force, ſtrength, and effect in the law, to all intents, conſtructions, and purpoſes, as fines, being duly levyed with proclamations before the King's judges of his Common Pleas at Dublin, be or ought to be.

CHAP. XXI.

An Act for the better ſuppreſſing Tories, Robbers, and Rapparees; and for preventing Robberies, Burglaries, and other heinous Crimes.

FORASMUCH as by the late rebellion in this kingdom a great part thereof hath been left waſte and deſolate, and the frequent robberies, murders, and other notorious felonies committed by robbers, rapparees, and tories upon their keeping, hath greatly diſcouraged the re-planting of this kingdom, the papiſt inhabitants thereof chuſing rather to ſuffer ſtrangers to be robbed and deſpoiled of their goods, than to apprehend or convict the offenders, of whom the greateſt part are people of the ſame country, and countenanced, harboured, and concealed by the inhabitants thereof: for the remedy of which miſchiefs, and for the better encouragement of ſtrangers to plant and inhabit this your Majeſty's kingdom of Ireland, and for the general preſervation of the peace, and property of your Majeſty's good ſubjects therein; may it pleaſe your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the inhabitants of every barony or county within this kingdom ſhall make full ſatisfaction and amends for all robberies, burglaries, burning of houſes or haggards of corn, killing or maiming of cattle, which ſhall be committed or done by robbers, rapparees, or tories, within ſuch barony or county, from

9 *Wil.* 3. 9.
2 *Anne* 13.
6 *Anne* 11.
4 *G.* 1. 9.
6 *G.* 1. 12.
8 *G* 1. 9.
12 *G.* 1. 8.
9 *G* 2. 6.
21 *G.* 2 12.
29 *G.* 2. 8.
19 & 20 *G.* 3. *c.* 37.

Re-planting the kingdom, left waſte by the late rebellion, diſcouraged by frequent robberies, *&c.*

Offenders countenanced and harboured by papiſt inhabitants.

Inhabitants of every barony or county to make full ſatisfaction for robberies, burnings, killing or maiming cattle, by robbers, rapparees or tories;

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from and after the royal aſſent given to this bill, in manner and form following: (that is to ſay) where all or any of the facts ſhall be committed or done by rapparees, robbers, or tories as aforeſaid, that are or ſhall be papiſts, or reputed of the popiſh religion, the popiſh inhabitants of the barony or county, wherein all or any of the ſaid facts ſhall be committed, ſhall make ſatisfaction and amends for the ſame; and where all or any of the ſaid facts ſhall be committed or done by robbers, rapparees, or tories as aforeſaid, that are or ſhall be proteſtants, or reputed to be of the proteſtant religion, the proteſtant inhabitants of the barony or county, wherein all or any of the ſaid facts ſhall be committed, ſhall make ſatisfaction and amends for the ſame: and if it ſhall happen that all or any of the ſaid facts be committed or done by popiſh and proteſtant robbers, rapparees, or tories as aforeſaid, then and in ſuch caſe the popiſh and proteſtants inhabitants of the barony or county, wherein ſuch facts ſhall be committed or done, ſhall make ſatisfaction and amends for the ſame, and in ſuch proportion, and according to the number of ſuch papiſts and proteſtants as ſhall commit the ſame: (that is to ſay) if two papiſts and one proteſtant, the papiſt inhabitants to pay two ſhares, and the proteſtants the remaining third part of the ſaid damages, and ſo *pro rata*, in caſe of a greater or leſſer number: and if all or any of the ſaid facts be committed or done in the diviſion or meering of two baronies or two counties, ſo as it ſhall be uncertain in which county or barony the fact or facts were committed, then and in ſuch caſe the inhabitants of both baronies or both counties ſhall make ſatisfaction and amends for the ſame, in ſuch manner, and under ſuch diſtinction, as is hereby declared.

The popiſh inhabitants, if committed by papiſts or reputed papiſts.

The proteſtant, if by proteſtants.

If by both, both to make ſatisfaction in proportion to the number of offenders.

If the facts committed in the mearing of two baronies or counties, both liable.

II. And be it further enacted by the authority aforeſaid, That in all caſes where the damages do not exceed the ſum of ten pounds *ſterling*, the inhabitants of the barony and franchizes within the precincts thereof, wherein all or any of the ſaid facts ſhall be committed, and not the county at large, ſhall make ſatisfaction and amends for the ſame, in ſuch manner, and with ſuch diſtinction as aforeſaid; and in all caſes where the damages do exceed the ſum of ten pounds *ſterling*, the inhabitants of the county, wherein all or any of the ſaid facts ſhall be committed, ſhall make ſatisfaction and amends for the ſame in the manner, and with the diſtinction aforeſaid; and that the jury that ſhall try any action commenced or proſecuted on this act, ſhall in their verdict aſcertain the perſon and perſons that commit ſuch robbery, burning of houſes, or haggards of corn, killing or maiming of cattle, whether they were papiſts or proteſtants, and the number

Damages not exceeding 10l. made good by the barony: above, by county at large. 9 *Anne* 11.

Jury to aſcertain the perſons guilty, whether they were papiſts or proteſtants, the number and damages according to evidence on the trial.

number of the one and the other, as also the damages, according to the evidence that shall be on the tryal offered to them.

Damages may be recovered against any inhabitant liable, for whose relief all the rest shall be rateably taxed,

III. And be it further enacted by the authority aforesaid, That every person and persons, so as aforesaid robbed or damnified, may be hereby enabled to sue for and recover his or their damages against any inhabitant of the said county or barony, who by this act shall be made liable to answer any part thereof; and that immediately after such recovery and execution against the said inhabitants, all other the inhabitants of the said barony or county, who by this act shall be made liable to all or any part of the said damages, shall be rateably and proportionably taxed for and towards an equal contribution for the relief of such inhabitant, against whom the said recovery and execution is had; which tax shall be made, levyed, and raised by such ways and means, and in such manner and form, as is prescribed and mentioned in a former statute, intituled, *An Act for the following of hue and cry*, made in the tenth and eleventh years of the reign of King Charles the first in this kingdom.

to be levied as by Stat. 10 & 11 C. 1. 18.

Notice must be given in 24 hours after the fact, or in reasonable time after the party at liberty, to some village or town near;

IV. And be it further enacted by the authority aforesaid, That no person or persons shall recover any damages by virtue of this act, unless he or they, by themselves or by their servants, within twenty four hours after such robbery or injury done him or them by any robbers, tories, or rapparees, or within reasonable time after he shall be at liberty, shall give notice of such robbery or mischiefs done and committed unto some of the inhabitants of some town, village, or hamlet near unto the place where any such fact shall be committed; and shall, within four days after such notice, give in his, her, or their examination upon oath, or of their servant or servants that were in his or their house, or that had the care of his corn, stock, or goods, before some justice of the peace of the county where such fact shall be committed, inhabiting within the barony where the said fact shall hereafter happen to be committed, or near unto the same, whether he or they do know the person or persons that committed such fact, or any of them; and if upon such examination it be confest that he or they do know the person or persons that committed the said fact, or any of them, that then he or they so confessing shall be bound by recognizance to prosecute such offender or offenders by indictment or otherwise, according to the laws of this kingdom.

and in four days after examination before a justice on oath of the party or his servants, whether they know any of the offenders; which if confessed, bound to prosecute.

6 *Anne* 11. *further notice required.*

Before action commenced presentment must be made at next assizes or quarter sessions by the grand jury, of

V. And moreover be it enacted by the authority aforesaid, That before any action shall be commenced or prosecuted on this act, for recovery of damages for any losses sustained by reason of any robbery, burning of houses or corn, or destruction of cattle, contrary to the tenor of this act, the person or persons so injured

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ſhall obtain or procure a preſentment to be made at the next aſſizes or quarter ſeſſions to be held after ſuch robbery, injury, or fact committed, by the grand jury of the county where ſuch fact ſhall be committed, wherein notice ſhall be taken of ſuch robbery, or other injuries or miſchiefs, and of the loſſes ſuſtained, the number of the offenders, and how many of them are papiſts, or reputed ſuch, and how many proteſtants, or reputed ſuch; as alſo of the barony or baronies, and county, where ſuch fact was committed, with the names of the offenders: but in caſe where the perſon or perſons robbed, burnt, or injured, or their ſervant or ſervants do not know the names of all or any of the offenders, and ſhall declare ſo on their oath openly in court, being examined to the ſaid particulars, the ſaid grand jury in ſuch preſentment to give the beſt deſcription they can, on the evidence produced before them, of ſuch malefactors, to the end they may be brought the ſpeedier to juſtice; which preſentment ſhall be given in evidence, by the perſon and perſons that ſhall obtain the ſame, on any tryal for damages for his loſſes ſuſtained, according to the purport of this act.

the injury, number, names, and reputed religion of offenders, and the baronies or county where, 9 *Will.* 3. 9. 6 *Anne* 11.

If the names not known, and ſo declared on oath, the beſt deſcription upon the evidence produced muſt be given in the preſentment, ſaid preſentment evidence on any trial.

VI. And for the better ſuppreſſing robbers, tories, and rapparees, that have ſo much of late diſturbed the peace and ſettlement of this kingdom; be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall be at any time hereafter preſented at the aſſizes or quarter ſeſſions by the grand jury as a tory, rapparee, or robber out on his keeping, and ſuch preſentment being returned to the clerk of the council, the perſon and perſons in ſuch preſentment named ſhall by proclamation from the lord deputy, or other chief governor or governors and council of this kingdom, be proclaimed; and in caſe ſuch perſon or perſons ſo proclaimed do not, within the time to be limitted by ſuch proclamation, render him or themſelves to ſome one or more juſtices of the peace of the county where ſuch preſentment ſhall be made, he and they ſo preſented and proclaimed ſhall from thenceforth be convict of high treaſon, and ſuffer accordingly; and that all and every perſon and perſons concealing, aiding, abetting, and ſuccouring ſuch perſon and perſons ſo preſented and proclaimed knowingly, from and after the time ſo limitted by ſuch proclamation, ſhall be guilty of felony without clergy, and ſuffer as felons convict of felony, without clergy: and for the better encouragement of ſuch perſons as ſhall take and convict, or kill any robber, rapparee, or tory, in arms and upon his keeping, indicted, proclaimed, or preſented as aforeſaid, the juſtices of aſſize in their circuit, and the juſtices of peace in their quarter-ſeſſions reſpectively, with the aſſent of the grand jury, ſhall have power and authority to tax and ſeſs every inhabitant in any

Perſons preſented, returned to clerk of the council, ſhall be proclaimed; and not ſurrendering by time limited, convict of high treaſon:

Perſons concealing or aiding, guilty of felony without clergy.

Juſtices at aſſizes or ſeſſions, with aſſent of grand jury, may tax inhabitants for a reward to thoſe who take, convict, or kill ſaid offenders.

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county, barony, city, burrough, town or pariſh, within the limits of their commiſſions and authorities, to ſuch reaſonable aid or ſum of money, as they ſhall think fit in their diſcretion convenient and ſufficient for encouraging and rewarding ſuch perſon or perſons as ſhall take and convict, or kill, any robber, rapparee, or tory in arms and upon his keeping, provided ſuch ſums do not exceed twenty pounds for any one tory; which ſaid ſum or ſums of money ſo to be raiſed ſhall be applotted and apportioned by the ſaid grand-jury, and levyed by ſuch collectors as they ſhall appoint; who ſhall have power and authority to receive the ſaid ſums of money, and to diſtrain every ſuch inhabitant as ſhall be taxed, and refuſe payment thereof; and to ſell ſuch diſtreſs, and deliver the money taxed to ſuch perſon or perſons as ſhall take or kill ſuch robber, rapparee, or tory; and the reſidue, if the diſtreſs be better, to deliver to the owner thereof: this act to continue and be of force for three years from the royal aſſent being given thereto, and to the end of the firſt ſeſſion of the next Parliament after the ſaid three years, and no longer.

not above 20l. for one tory.

to be applotted by grand-jury and levied by collectors appointed, by diſtreſs and ſale.

6 *G.* 1. 12. Continuance of this act 3. years.

So far as not altered by 6 *G.* 1. 12. *continued by* 9 *G.* 2. 6. *till* 25 *March* 1757, *and to the end of the next ſeſſion, further continued* 21 *years*, &c. *by* 29 *G.* 2. 8.

CHAP. XXII.

An Act for the more ſpeedy and effectual proceeding upon Diſtreſſes and Avowries for Rent.

FORASMUCH as the ordinary remedy for arrearages of rents is by diſtreſs upon the lands chargeable therewith, and yet nevertheleſs by reaſon of the intricate and dilatory proceedings upon replevin, that remedy is become ineffectual: for remedy whereof be it enacted by the King's moſt excellent Majeſty, with the advice and conſent of the Lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, that whenever any plaintiff in replevin ſhall be non-ſuit before iſſue joined in any ſuit in replevin, by plaint or writ lawfully returned, removed, or depending in any of his Majeſty's courts at Dublin, or any courts palatine, or other courts of records within this kingdom that the defendant avowant, making a ſuggeſtion in nature of an avowry or conuzance for ſuch rent, to aſcertain the court of the cauſe of diſtreſs, the court upon his prayer ſhall award a writ to the ſheriff of the county where the diſtreſs was taken, to inquire by the oaths of twelve good and lawful men of the baliwick, touching the ſum in arrear at the time of ſuch diſtreſs taken, and the value of the goods or cattle diſtrained; and thereupon notice of fifteen days ſhall be given to the plaintiff, or his attorney,

17 *C.* 2. 7. *Eng.*

Diſtreſs the ordinary remedy for arrears of rent: ineffectual by proceedings in replevin.

Plaintiff in replevin non-ſuit before iſſue joined, upon prayer of defendant a writ ſhall go to ſheriff to inquire of the arrear, and value of diſtreſs,

15 days notice to be given to plaintiff or his attorney.

A. D. 1695. Chap. 22.

torney, in court, of the ſitting of ſuch inquiry; and thereupon the ſheriff ſhall inquire of the truth of the matter contained in ſuch writ, by the oaths of twelve good and lawful men of his county; and upon the return of ſuch inquiſition the defendant ſhall have judgment to recover againſt the plaintiff the arrearages of ſuch rent, in caſe the goods or cattle diſtrained ſhall amount unto the value; and in caſe they ſhall not amount to that value, then ſo much as the value of the ſaid goods and cattle ſo diſtrained ſhall amount unto, together with his full coſts of ſuit, and ſhall have execution thereupon by *fieri facias* or *elegit*, or otherwiſe as the law ſhall require; and in caſe ſuch plaintiff ſhall be non-ſuit after conuzance or avowry made and iſſue joyned; or if the verdict ſhall be given againſt ſuch plaintiff, then the jurors that are impannelled or returned to inquire of ſuch iſſue, ſhall at the prayer of the defendant inquire concerning the ſum of the arrears, and the value of the goods or cattle diſtrained; and thereupon the avowant, or he that makes cognizance, ſhall have judgment for ſuch arrearages, or ſo much thereof as the goods or cattle diſtrained amount unto, together with full coſts, and ſhall have execution for the ſame by *fieri facias* or *elegit*, or otherwiſe, as the law ſhall require.

Upon return of inquiſition defendant to have judgment, if the goods amount not to the value, then for ſo much, execution thereupon, and full coſts.

Where plaintiff nonſuit after iſſue, or verdict againſt him, the jurors returned ſhall inquire, and the like judgment, execution, &c.

II. And be it further enacted by the authority aforeſaid, That if judgment in any of the courts aforeſaid, be given upon demurrer for the avowant, or him that makes cognizance for any rent, the court ſhall, at the prayer of the defendant, award a writ to inquire of the value of ſuch diſtreſs, and upon the return thereof judgment ſhall be given for the avowant, or him that makes cognizance as aforeſaid, for the arrears alledged to be behind in ſuch avowry or cognizance, if the goods or cattle ſo diſtrained ſhall amount to the value; and in caſe they ſhall not amount to that value, then for ſo much as the ſaid goods or cattle ſo diſtrained amount unto, together with his full coſts of ſuit, and ſhall have like execution as aforeſaid.

So if upon demurrer judgment for avowant.

Where the diſtreſs found not ſufficient he may from time to time diſtrain for reſidue.

III. Provided always, and be it enacted, That in all caſes aforeſaid, where the value of the cattle diſtrained as aforeſaid ſhall not be found to be to the value of the arrears diſtrained for, that the party to whom ſuch arrears were due, his executors or adminiſtrators may from time to time diſtrain again for the reſidue of the ſaid arrears

2 *W. & M.* ſeſſ. 1 *Eng.* 5. Corn in ſheaves or cocks, looſe, or in the ſtraw, hay in barn or granary, or in any hovel, &c. on the ground, charged with

IV. And whereas no ſheaves or cocks of corn, looſe or in the ſtraw or hay in any barn or granary, or in any hovel, ſtack, or rick, can by the law be diſtrained, or otherwiſe ſecured for rent, whereby landlords are oftentimes deceived by their tenants, who ſell their corn, grain, and hay to ſtrangers, and remove the ſame from the premiſſes chargeable with ſuch rent, and thereby avoid the payment of the ſame: be it further enacted

acted by the authority aforeſaid, that for remedying the ſaid practice and deceit, it ſhall and may from henceforth be lawful to and for any perſon or perſons, having rent arrear and due upon any demiſe, leaſe, or contract, to ſeize and ſecure any ſheaves or cocks of corn, or corn looſe, or in the ſtraw, or hay lying, or being in any barn or granary, or upon any hovel, ſtack, or rick, or otherwiſe, upon any part of the land or ground charged with ſuch rent, and to lock up or diſtrain the ſame in the place where the ſame ſhall be found, for or in the nature of a diſtreſs, until the ſame ſhall be replevied upon good ſecurity to be given to the ſheriff as aforeſaid; and in caſe ſuch diſtreſs ſhall not be replevied or owned within the ſpace of eight days next after the taking thereof, then the ſame to be appraiſed and ſold, according to the laws and cuſtoms of this kingdom.

Rent, may be diſtrained where found till replevied on ſecurity to the ſheriff, and if not in 8 days, may be appraiſed and ſold.

V. Provided nevertheleſs, That ſuch corn, grain, or hay, ſo diſtrained as aforeſaid, be not removed by the perſon or perſons diſtraining, to the damage of the owner thereof, out of the place where the ſame ſhall be found and ſeiſed, but be kept there as impounded, until the ſame ſhall be replevied or ſold, as aforeſaid; and in caſe any replevin ſhall be brought for ſuch ſheaf or ſheaves of corn, or grain, or hay, if the plaintiff in ſuch replevin ſhall be non-ſuit, either before or after appearance, or a verdict paſs againſt him, or judgment be given againſt him upon demurrer as aforeſaid, in all ſuch caſes, ſuch proceedings to be by inquiſition or finding of the jury at the bar upon like ſuggeſtion to be made in the conuzance or avowry, and like execution in ſuch caſes to be awarded.

Not to be removed, but kept as impounded till replevied or ſold.

If plaintiff in replevin nonſuit, &c. the like proceeding by inquiſition, and execution as before.

VI. And be it further enacted by the authority aforeſaid, That upon any pound-breach, or reſcue of goods and chattles diſtrained for rent, the perſon or perſons grieved thereby ſhall, in a ſpecial action upon the caſe for the wrong thereby ſuſtained, recover his and their treble damages, and coſts of ſuit againſt the offender or offenders in any ſuch reſcue or pound-breach, any or either of them, or againſt the owners of the goods diſtrained, in caſe the ſame be afterwards found to have come to his uſe or poſſeſſion.

Treble damages for pound-breach or reſcue, againſt the offender, or owner, if the goods came to his uſe or poſſeſſion.

2 G. 1. 5.
8 G. 1. 2.
15 G. 2. 8.

CHAP. XXIII.

An Act for continuing the Statute for an additional Exciſe upon Beer, Ale, and other Liquors.

Recital of the act paſſed this ſeſſion chap. 1. of additional duty on beer, &c.

WHEREAS in this preſent ſeſſion of Parliament there was an act eſtabliſhed and enacted by authority of the ſaid Parliament, that from and after the three and twentieth day of October, in this preſent year of our Lord one thouſand ſix hundred ninety five, there ſhall be throughout this your Majeſty's kingdom of Ireland, raiſed, levied, collected, and paid unto your Majeſty during the ſpace of one year from the ſaid twenty third of October, and no longer, for beer, ale, and other liquors in the ſaid act expreſſed, by way of exciſe (over and above all other duties, charges, and impoſitions formerly ſet and impoſed) the exciſe and duties in the ſaid act ſet and impoſed, as by the ſaid act, among other things therein contained, more at large it doth and may appear: and whereas the ſaid act may not fully anſwer the ends therein deſigned towards the defraying the neceſſary charges of the publick: we your Majeſty's moſt humble and loyal ſubjects the commons in this preſent Parliament aſſembled, taking into our ſerious conſiderations the weighty and preſſing occaſions which at this time require a further ſupply of money, in a moſt dutiful acknowledgment of your Majeſty's great goodneſs expreſſed in your tender care of the welfare of us your people, do humbly preſent your Majeſty with a further ſupply, by way of additional duty of exciſe upon beer, ale, and other liquors; and do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid act, and every clauſe, article, proviſion, thing and things in the ſame ſpecified or contained, and the duties therein mentioned, be and are hereby continued and made payable in manner, as in the ſaid act is ſpecified, until the twenty fifth day of December, which ſhall be in the year of our Lord one thouſand ſix hundred ninety eight.

and continuance thereof, on account of the weighty and preſſing occaſions for money till 25 Dec. 1698.

CHAP. XXIV.

An Act for the better regulating of Meaſures in and throughout this Kingdom.

9 *H.* 3. 25 *En.*
14 *E.* 3. 12. *En.*
27 *E.* 3. 10.
ſt. 2. *Eng.*
13 *R.* 2. 9. *En.*
8 *H.* 6. 5. *Eng.*
11 *H.* 6. 8. *En.*
11 *H.* 7. 4 *En.*
16 *C.* 1. 19. *En.*
28 *H.* 6. 3.
ſeſſ. 2.
2. *Anne* 17.
4 *Anne* 14.
1 *G.* 2. 10.
by 25 *G.* 2. 15.
continued 7 *years by* 31 *G.* 2. 9. *corn to be ſold by weight.*

Diſcouragement to trade from the want of a certain meaſure for grain ſold.

FOR prevention of the many and great inconveniencies and diſcouragement to trade in this kingdom, which proceed from the want of one certain and known meaſure for all ſorts of grain to be meaſured and ſold by, in, and throughout this kingdom: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That one and the ſame meaſure ſhall be uſed in and throughout this Kingdom, and every part thereof; and that the meaſure and meaſures, to be henceforth uſed in this kingdom, ſhall be and contain as herein after is mentioned and appointed, and no otherwiſe: (that is to ſay)

One meaſure ſhall be

the

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the meaſure, called the peck, ſhall be and contain two gallons, and no more; the meaſure, called the buſhel, ſhall be and contain eight gallons, and no more; the meaſure, called the half barrel, ſhall be and contain ſixteen gallons, and no more; and the barrel ſhall be and contain thirty two gallons, and no more; the ſaid gallon to contain two hundred ſeventy two cubical inches, and one fourth part of a cubical inch, according to the gallon mentioned and appointed in and by one act of Parliament made and enacted in this kingdom in the twelfth year of the reign of the late Queen Elizabeth of bleſſed memory.

uſed thro' the kingdom.

Contents thereof,

the gallon as appointed by 12 *El.* 3.

II. And be it alſo enacted, that there ſhall be forthwith provided at his Majeſty's charge one barrel, one half barrel, one buſhel, one peck, and one gallon, according to the aboveſaid meaſure; which ſaid barrel, half barrel, buſhel, peck, and gallon ſhall be the ſtandards for the meaſures in and throughout this kingdom of Ireland; and that the ſaid ſtandards, being marked with the crown and letters of his Majeſty's name, ſhall be placed and ſafely kept in his Majeſty's Exchequer of this kingdom, in the cuſtody of the lord-treaſurer of this realm, or of the vice-treaſurer, his deputy, or deputies for the time being.

To be provided at the King's charge as the ſtandard marked, and kept in Exchequer, in cuſtody of treaſurer.

III. And be it further enacted, That in every county, town, city, liberty, franchize, and market-town within this realm, ſhall be placed and kept at the proper coſts and charges of each county, city, liberty, franchize, and market-town reſpectively, in the cuſtody of the ſheriff of ſuch county, and of the mayor, bayliff, ſoveraign, ſeneſchal, or ſteward of any liberty, or mannor, or other chief magiſtrate reſiding in ſuch city or market-town, one barrel, one half barrel, one buſhel, one peck, and one gallon, according to the above meaſures; which ſaid barrel, half barrel, buſhel, peck, and gallon, ſhall be firſt meaſured by the ſaid ſtandards in the Exchequer, and ſhall be ſeverally ſealed, branded, or marked on the edge or brim, with the crown and letters of his Majeſty's name, and with ſuch other mark as the lord high treaſurer of this kingdom, or the vice-treaſurer, his deputy or deputies for the time being, ſhall think fit; and that for the meaſuring, branding, and marking of each ſuch meaſures, the ſum of ſix-pence and no more ſhall be paid to the ſaid lord high-treaſurer, or the vice-treaſurer, his deputy or deputies for the time being, by the perſon or perſons who ſhall bring the ſaid meaſures to be meaſured, branded, or marked; which ſaid barrels, half barrels, buſhels, pecks, and gallons, in the cuſtody of the ſaid ſheriffs, mayors, bayliffs, ſoveraigns, ſeneſchals, or ſtewards of any liberty or mannor, or other head-officers, being meaſured or marked by the ſaid lord high treaſurer, or the vice-treaſurer, his deputy or deputies for the time being,

Meaſures according to ſaid ſtandard to be kept in every county, city, *&c.* ſealed and marked,

for which 6d. only to be paid to the treaſurer,

the ſame to be the ſtandards for ſuch county, city, *&c.*

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being, ſhall be and remain the ſtandards for ſuch county, city, liberty, or franchize, or market-town reſpectively.

The officers in whoſe cuſtody, ſhall meaſure and compare therewith all other barrels, &c. brought to them,

IV. And be it further enacted, that the ſaid ſheriffs, mayors, bayliffs, ſovereigns, ſeneſchals, or ſteward of any liberty or manor, and other officers, in whoſe cuſtody ſuch ſtandards are hereby appointed to remain, ſhall have full power to meaſure and compare all ſuch barrels, half barrels, buſhels, pecks, and gallons, as ſhall be brought, or offered to them, or any of them to be meaſured or marked; and if upon meaſuring the ſame, they or any of them ſhall find the ſaid meaſure, ſo brought or offered reſpectively, to be agreeable to and to contain equal quantities with the ſaid meaſures marked by the ſaid lord high treaſurer, or vice-treaſurer, his ſaid deputy or deputies for the time being, that then the ſaid ſheriffs, mayors, bayliffs, ſoveraigns, ſeneſchal, ſteward, or other chief officers, or any of them, ſhall mark or brand the ſaid meaſures ſo brought to them on the rim or edge of them reſpectively, with the crown and letters of his Majeſty's name; and alſo with a mark or brand to be appointed by each county, city, liberty, or franchize, or market town reſpectively: and that for the meaſuring and marking of each ſuch meaſure ſhall be paid, by the perſon or perſons bringing or offering the ſaid meaſure or meaſures to be ſealed or marked, the ſum of ſix pence, and no more.

and mark and brand the ſame,

6d. only to be paid for the ſame.

No meaſures ſhall be uſed for any gain but ſuch as firſt compared by ſaid ſtandards, and branded, and marked.

V. And be it further enacted by the authority aforeſaid, That from and after the twenty ſixth day of March, which will be in the year of our Lord one thouſand ſix hundred ninety ſix, no meaſures ſhall be uſed for meaſuring any ſort of grain in this kingdom, or in any part thereof, but ſuch as ſhall be firſt meaſured and compared by the ſaid ſtandards in the Exchequer, or by one of the ſaid ſtandards remaining in the cuſtody of ſuch as hereby are appointed to have the cuſtody of them in the reſpective counties, cities, liberties, franchizes, and market-towns within this kingdom, and ſhall be branded and marked as aforeſaid: and that whoſoever, after the ſaid twenty ſixth day of March next, ſhall ſell or meaſure any ſort of grain, corn, mault, or oatmeal, in any place or places whatſoever within this kingdom, by any meaſure or meaſures containing any greater or leſſer quantity than as aforeſaid, or by any barrel, half-barrel, buſhel, peck, or gallon, which hath not been meaſured by, and is not of equal content with, the ſaid ſtandard in the Exchequer, or by and with the ſaid ſtandards remaining in the ſaid counties, towns, cities, liberties, franchizes, or market-towns, or ſome of them, or that hath not been marked as aforeſaid by ſome one in whoſe cuſtody the ſaid ſtandards are by this act appointed to remain, ſhall forfeit for every ſuch offence the ſum of ten pounds; whereof

Penalty 10l. to the poor of the pariſh, and informer.

the

the one moiety ſhall be to the poor of the pariſh where ſuch offence is or ſhall be committed, and the other moiety to the informer; and that upon information given upon oath, or otherwiſe, to any juſtice of the peace of any county, mayor, bayliff, ſoveraign, or other chief magiſtrate of any city, liberty, or franchize, or town corporate, the ſaid ſeneſchal, juſtice of the peace, franchize, mayors, bayliffs, ſoveraign, ſeneſchal aforeſaid, or other chief magiſtrate to whom ſuch information is given, ſhall immediately iſſue his warrant, requiring the party or parties complained of to appear before him; and if upon examination it ſhall appear by the oath or oaths of one or more credible witneſſes to the ſaid juſtice of peace, mayor, bayliff, ſoveraign, ſeneſchal aforeſaid, or other chief magiſtrate, that the ſaid party ſo complained of hath ſold, delivered, or received any ſort of corn, grain, mault, or oat-meal, by any barrel, half-barrel, or other meaſure not marked, ſealed, or branded by the ſheriff, mayor, ſoveraign, ſeneſchal, or ſome other perſon who hereby have power, and are appointed to mark, ſeal, or brand the ſame, that then the ſaid juſtice, mayor, bayliffs, ſoveraign, or other chief magiſtrate within his and their reſpective precincts, ſhall iſſue a warrant to the conſtable of the pariſh where ſuch offender reſides, requiring him to levy, by diſtreſs and ſale of the goods of the perſon ſo offending, the ſaid ſum of ten pounds; whereof the one moiety ſhall be given to the poor of the pariſh as aforeſaid, where ſuch offender doth reſide, and the other moiety to the ſaid informer.

2 *Anne* 17. *ſaid penalty on the buyer only.*

Juſtice of peace, *&c.* to iſſue warrants to the conſtable to levy the ſame by diſtreſs and ſale.

VI. And be it further enacted by the authority aforeſaid, That if any perſon who hereby hath power to meaſure and mark any barrel, half-barrel, or other meaſure brought to him, ſhall mark, ſeal, brand, or allow any barrel, half-barrel, or any other meaſure, which ſhall or doth contain more or leſs reſpectively than the ſaid ſtandards remaining in his cuſtody, the ſaid perſon ſo doing ſhall forfeit for every ſuch barrel, half-barrel, or other meaſure ſo ſealed, marked, branded, or allowed by him, the ſum of fifty pounds; the one moiety to the King, and the other moiety to the uſe of him that will ſue for the ſame; to be recovered by action, ſuit, bill, or plaint, in any of his Majeſty's courts of record at Dublin, wherein no eſſoyn, protection, or wager of law ſhall be allowed, nor any more than one imparlance.

Penalty for falſe marking 50*l.*

to the King and proſecutor.

VII. And be it likewiſe enacted, That every barrel, half-barrel, and other meaſure whatſoever, of any ſort of corn, grain, mault, or oat-meal, ſhall be ſold, delivered, and received, ſtricked, without heaps, and without preſſing or ſhaking down, and not in any other manner, upon pain of the forfeiture of five pounds to him that

All grain ſhall be ſold and delivered, ſtricked, without heaps, preſſing or ſhaking down, penalty 5*l.* to the proſecutor.

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that will ſue for the ſame; to be recovered by action, ſuit, bill, or plaint, in any of his Majeſty's courts at Dublin, wherein no eſſoyn protection, or wager of law ſhall be allowed, or any more than one imparlance.

CHAP. XXV.

An Act for the Prevention of Vexations and Oppreſſions by Arreſts; and of Delays in Suits of Law.

13 C. 2, 2. ſt. 2. *Eng.*

Where perſons ſued or arreſted, the true cauſe of action ought to be ſet forth in the proceſs.

Reaſons thereof.

WHEREAS by the laws of this kingdom, in caſe where any perſon is ſued, impleaded, or arreſted by any writ, bill, or proceſs, iſſuing out of any of his Majeſty's courts of record at Dublin, in any common plea, at the ſuit of any common perſon, the true cauſe of action ought to be ſet forth and expreſſed in ſuch writ, bill, or proceſs, whereby the defendant may have certain knowledge of the cauſe of the ſuit; and the officer who ſhall execute ſuch writ, bill, or proceſs, may know how to take ſecurity for the appearance of the defendant to the ſame, and the ſureties for ſuch appearance may rightly underſtand for what cauſe they become engaged: and whereas there is a great complaint of the people of this kingdom, that for divers years laſt paſt very many of his Majeſty's good ſubjects have been arreſted upon general writs of treſpaſs, *quare clauſum fregit*, or other like writs iſſued out of the courts of King's-bench and Common-pleas, not expreſſing any particular or certain cauſe of action and thereupon kept priſoners for a long time for want of bail, bonds with ſureties for appearances having been demanded in ſo great ſums, that few or none have dared to be ſecurity for the appearance of ſuch perſons ſo arreſted and impriſoned, although in truth there had been little or no cauſe of action; and oftentimes there are no ſuch perſons who are named plaintiffs, but thoſe arreſts have been many times procured by malicious perſons to vex and oppreſs the defendants, and to force from them unreaſonable and unjuſt compoſitions for obtaining their liberty; and by ſuch evil practices many men have been and are daily undone and deſtroyed in their eſtates without poſſibiliy of having reparation, the actors employed in ſuch practices having been (for the moſt part) poor and lurking perſons, and their actings ſecret, that it hath been found very difficult to make true diſcoveries on proof thereof: for remedy and prevention of which ſo great growing evils and miſchiefs, and alſo for diſcouraging all frivolous and unjuſt ſuits, and cauſeleſs arreſts for the future; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and

Miſchiefs occaſioned by unjuſt and cauſeleſs arreſts.

No perſon arreſted, where the certainty or true cauſe of action not

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commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the twelfth day of December next, no perſon or perſons, who ſhall happen to be arreſted by any ſheriff, under-ſheriff, coroner, ſteward, or bayliff of any franchize or liberty, or by any other officer, miniſter, under-bayliff, or any other perſon or perſons whatſoever within this realm, having or pretending to have authority or warrant in that behalf, by force or colour of any writ, bill, or proceſs iſſuing or to be iſſuing out of his Majeſty's ſaid court of King's-bench and Common-pleas, or either of them, or other court of juſtice, in which ſaid writ, bill, or proceſs, or at the foot thereof, the certainty or true cauſe of action is not expreſſed, marked, or ſet down particularly; and for which the defendant or defendants in ſuch writ, bill, or proceſs named, is and are bailable by the ſtatute in that behalf made in the three and twentieth year of the reign of the late King Henry the ſixth, ſhall be forced or compelled to give ſecurity, or to enter into bond with ſureties for the appearances of ſuch perſon or perſons ſo arreſted, at the day and place in the ſaid writ, bill, or proceſs, on the foot thereof ſpecified or contained, in any penalty or ſum of money, exceeding the ſum of forty pounds of lawful money of England, to be conditioned for ſuch appearances; and that all ſheriffs, and other officers and miniſters aforeſaid, ſhall let to bail, and deliver out of priſon, and from their and every of their cuſtodies reſpectively, all and every perſon or perſons whatſoever, by them or any of them arreſted upon any ſuch writ, bill, or proceſs, wherein the certainty and true cauſe of action is not particularly expreſſed as aforeſaid, upon ſecurity in the ſum of forty pounds, and no more, given for appearance of ſuch perſon or perſons ſo arreſted, unto the ſaid ſheriff or officer aforeſaid, according to the ſaid ſtatute in the ſaid three and twentieth year of the reign of the ſaid King Henry the ſixth in that behalf made and provided.

expreſſed in the writ or proceſs, and for which the defendant baileable by 23 *H.* 6. 9. *Eng.* ſhall be forced to give ſecurity for appearance in any penalty above 40l.

23 *H.* 6. 9. *Eng.*

and ſuch perſons ſhall be let to bail,

II. And be it further enacted by the authority aforeſaid, That upon appearance to be entred in the term wherein ſuch writ, bill, or proceſs is returnable with the reſpective officer in that behalf for the ſaid perſon or perſons, by attorney or attorneys in the ſaid reſpective courts from whence the ſaid writ, bill, or proceſs iſſued, unto ſuch writ, bill or proceſs, the bond or bonds ſo given for appearance thereunto be and are hereby ſatisfied and diſcharged; and that after ſuch appearance ſo entred, no amercement be ſet or eſtreated upon or againſt any ſheriff, or other officer aforeſaid, or any other perſon whatſoever concerning the want of ſuch appearance; and unleſs the plaintiff or plaintiffs in any ſuch writ, bill, or proceſs named, ſhall put into the court from whence ſuch writ, bill, or proceſs did iſſue, his or their bill or

Upon appearance entered by attorney, bonds given diſcharged,

and no amercement for want of appearance,

Nonſuit for want of declaration before the end of next term after appearance,

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or declaration againſt the perſon or perſons ſo arreſted, in ſome perſonal action *ejectione firme* of lands and tenements, before the end of the term next following for appearance, that then a nonſuit, for want of a declaration, may be entred againſt the ſaid plaintiff or plaintiffs in the ſaid courts reſpectively; and that every defendant in every ſuch writ, bill, or proceſs named, ſhall or may have judgment to recover coſts againſt every ſuch plaintiff or plaintiffs, to be aſſeſſed, taxed, and levied in ſuch manner, and according as it is provided by the ſtatute for coſts, made in the three and twentieth year of the reign of the late King Henry the eighth; any former or other act, ſtatute, ordinance, law, cuſtom, order, courſe, or uſage of either of the ſaid courts to the contrary thereof heretofore had, made, admitted, or uſed, in any wiſe notwithſtanding.

and judgment for coſts againſt plaintiff according to ſtat. 23 *H.* 8. 15 *Eng.*

III. Provided always, That this act, nor any clauſe or thing herein before ſpecified or contained, ſhall not extend, or be conſtrued or taken to extend, unto any arreſts hereafter to be made upon, or by vertue of any writ of *capias utlegatum*, attachment upon reſcues, or attachment upon any contempt, or of any attachment of privilege at the ſuit of any privileged perſon, or of any other attachment for contempt whatſoever, iſſuing or to be iſſuing out of either of the ſaid courts, although there be no particular certainty of the cauſe of action expreſſed or contained in the ſaid writs; but that nevertheleſs no ſheriff, or under-ſheriff, nor any of the officers or miniſters aforeſaid, ſhall diſcharge any perſon or perſons taken upon any writ of *capias utlegatum*, out of cuſtody, without a lawful *ſuperſedeas* firſt had and received for the ſame; and that upon the ſaid writs of attachment, ſuch lawful courſe be taken for ſecurity for appearance therein, as hath been heretofore uſed; any thing herein before expreſſed to the contrary thereof in any wiſe notwithſtanding.

Arreſts upon *cap. utleg.* attachment upon reſcues, contempt, or privilege, excepted.

IV. And whereas many perſons, out of ill intent to delay their creditors from recovering their juſt debts, continue priſoners, who cannot be proceeded againſt in ſuch manner as they might be if they were at large: now for the better enabling all and every perſon or perſons to recover their juſt debts and demands againſt ſuch priſoners, be it further enacted by the authority aforeſaid, That every perſon or perſons whatſoever, who now hath or have, or which at any time hereafter ſhall have cauſe of any perſonal action againſt any perſon, being a priſoner in priſon, may ſue forth any original writ upon his or their cauſe of action; and that a writ of *habeas corpus* be granted to every ſuch perſon or perſons being plaintiff or plaintiffs, deſiring the ſame to be directed to the goaler, or keeper

To enable creditors to recover againſt perſons in priſon;

Such creditors having cauſe of perſonal action againſt a priſoner, may ſue an original, and have an *habeas corpus* to bring him by a certain

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of the ſame priſon, to have the body of ſuch priſoners before any his Majeſty's juſtices of the King's-bench, or Common-pleas, at ſome certain day in any term, to anſwer the ſaid plaintiff or plaintiffs upon his or their ſaid cauſe of action; and that if the ſaid plaintiff or plaintiffs at the ſaid day put into the ſaid court his or their declaration, according to the ſaid original writ againſt the ſaid priſoner, being preſent at the bar, the ſaid perſon ſhall be bound to appear in perſon, or to put in an attorney to appear for him in the ſaid action; and unleſs the ſaid defendant plead upon a rule given, to be out at the eight days at the leaſt after ſuch appearance, judgment by *nihil dicit* may be entred againſt ſuch defendants, as appearing in perſon, which ſhall be good and effectual in law; and ſuch charge in court by declarations, ſignified by rule unto the gaoler or keeper, ſhall be a good cauſe of detenſion of ſuch priſoner in his cuſtody, from which he ſhall not be diſcharged without a lawful *ſuperſedeas*, or rule of court: and if the ſaid goaler or keeper ſhall do otherwiſe, he ſhall be reſponſible to the court, and to the party grieved, for damages, by action upon the caſe, to be brought againſt him for diſcharging ſuch priſoner.

day in term in *B. R.* or *C. B.* to anſwer; and if plaintiff then declare, ſhall be bound to appear; and unleſs he pleads upon a rule in eight days, judgment by *nil dicit*:

and defendant not to be diſcharged without *ſuperſedeas* or rule of court:

and gaoler reſponſible.

V. And whereas very many ſuits commenced by original writs have been protracted and long delayed from judgment and execution, by reaſon of the neceſſity of having fifteen days at the leaſt, between the days of the *teſte*, and the days of the return of writs, now uſed in perſonal actions, and alſo in actions of *ejectione firme*, for lands and tenements: for remedy whereof, and for the more eaſy expediting tryals, and the better and more ſpeedy executing judgments for the time to come, be it further enacted by the authority aforeſaid, That in all actions of debt, and all other perſonal actions whatſoever, and alſo in actions of *ejectione firme*, for lands or tenements now depending, or which at any time hereafter ſhall be depending in either of his Majeſty's courts aforeſaid, after any iſſue therein joined, to be tried by a jury, and alſo after any judgment had or obtained, or to be had or obtained in any the courts aforeſaid in any ſuch action as aforeſaid, there ſhall not need to be fifteen days between the *teſte* and day of return of any writ or writs of *venire facias*, *habeas corpora jurator*, or *diſtringas jurator*, writs of *fieri facias*, or writs of *capias ad ſatisfaciendum*; and that the want of fifteen days between the teſt-day and the day of the return of any ſuch writ, ſhall not be, nor ſhall be aſſigned, taken, or adjudged

Delays in ſuits by reaſon of 15 days between the *teſte* and return of writs remedied in actions perſonal and *ejectione firme*.

in writs of *venire facias*, *habeas corpus jurator*, or *diſtringas jurator*, *fieri facias*, or *capias ſatisfaciendum*: the want of ſaid fifteen days not error.

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to be any matter or cauſe of error; any law, cuſtom, ſtatute, courſe, or uſage to the contrary thereof, in any wiſe notwithſtanding.

capias ſatisfaciendum, whereon exigent after judgment, or to make bail liable, excepted.

VI. Provided nevertheleſs, That this act, nor any thing therein contained, ſhall not extend, or be conſtrued to extend, to any writ of *capias ad ſatisfaciend.* whereon a writ of exigent after judgment is to be awarded, nor to *capias ad ſatisfaciend.* againſt the defendant, in order to make any bail liable, but that the ſame continue and be as if this act had never been made.

Recital of the 10 *C.* 1. 8. *ſeſſ.* 3. in what actions execution may be ſtayed by *ſuperſedeas* or writs of error.

VII. And whereas by an act of Parliament made in this kingdom, in the tenth year of the reign of our late ſovereign lord King Charles the firſt, of bleſſed memory, a very good law was made for avoiding unneceſſary delays of execution, whereby it is enacted, that "no execution ſhall be ſtayed or delayed upon or by any writ of error, or *ſuperſedeas* thereupon, "to be ſued for the reverſion of any judgment to be given in "any action or bill of debt upon any ſingle bond for debt, or "upon any obligation with condition for payment of money "only, or upon any action or bill of debt for rent, or upon any "contract ſued in any of his Majeſty's courts of record at Dub"lin, unleſs ſuch perſon or perſons, in whoſe name or names "ſuch writ of error ſhall be brought, with two ſufficient ſure"ties, ſuch as the court, wherein ſuch judgment is or ſhall be "given, ſhall allow of, ſhall firſt, before ſuch ſtay made, or *ſu*"*perſedeas* to be awarded, be bound to the party, for whom any "ſuch judgment was or ſhould be given, by recognizance to "be acknowledged in the ſame court, in double the ſum ad"judged to be recovered by the ſaid former judgment, to pro"ſecute the ſaid writ of error with effect; and alſo to ſatisfy "and pay (if the ſaid judgment ſhall be affirmed) all and ſin"gular the debts, damages, and coſts adjudged, or to be adjudged "upon the former judgment, and all coſts and damages to be "alſo awarded for the ſame delaying of execution;" which law hath been found by experience to be very good and beneficial to the commonwealth.

The ſame miſchief not provided for thereby in ſeveral other actions, the ſaid ſtatute to be of force in this kingdom.

VIII. And foraſmuch as divers other cauſes, wherein the ſame miſchief, by delays and ſtaying of execution by writs of error and *ſuperſedeas* thereupon, are not provided for by the ſtatute, in the ſeveral actions hereafter ſpecified: be it further enacted, That the ſaid recited act be of force in this kingdom.

And ſuch recognizance muſt be entered

IX. And be it further enacted and ordained by the authority aforeſaid, That from and after the twentieth day of December next, no execution ſhall be ſtayed in any of his Majeſty's four-

courts,

courts, or in the county palatine of Tipperary, by any writ or writs of error or *ſuperſedeas* thereupon, after any verdict and judgment thereupon obtained in any action of debt, or in any action upon the caſe, upon any promiſe for the payment of money, actions *ſur trover*, actions of covenant, *detinue* and treſpaſs, unleſs ſuch recognizance, and in ſuch manner as by the ſaid recited former act is directed, ſhall be firſt acknowledged in the ſaid court where ſuch judgment is given.

ed into on error brought in actions of debt, caſe, promiſe for money, *trover*, *covenant*, *detinue*, and treſpaſs.

X. And be it alſo enacted by the authority aforeſaid, That if any perſon or perſons, after the ſaid, day, ſhall ſue or proſecute any writ or writs of error for the reverſal of any judgment whatſoever given, after any verdict in any the courts aforeſaid, and the ſaid judgment ſhall afterwards be affirmed; then every ſuch perſon or perſons ſhall pay unto the defendant or defendants in the ſaid writ or writs of error his or their double coſts, to be aſſeſſed by the court where ſuch writ of error ſhall be depending, for the delaying of execution.

Double coſts if judgment affirmed, aſſeſſed by the court where writ of error depending.

XI. Provided nevertheleſs that this act, nor any thing therein contained, ſhall not extend to any action popular, nor unto any other action, which is or hereafter ſhall be brought upon any penal law, or ſtatute, nor to any indictment, preſentment, inquiſition, information or appeal; any thing herein before expreſſed to the contrary thereof notwithſtanding.

Not to extend to action popular, or upon any penal law, nor to indictment, &c.

THE NINTH YEAR OF WILLIAM III.

CHAP. I.

An Act for baniſhing all Papiſts exerciſing any Eccleſiaſtical Juriſdiction, and all Regulars of the Popiſh Clergy out of this Kingdom.

Miſchiefs occaſioned by the great number of Romiſh clergy in this kingdom,

WHEREAS it is notoriouſly known, that the late rebellions in this kingdom have been contrived, promoted, and carried on by popiſh arch-biſhops, biſhops, jeſuits, and other eccleſiaſtical perſons of the Romiſh clergy; and foraſmuch as the peace and publick ſafety of this kingdom is in danger, by the great number of ſaid the arch-biſhops, biſhops, jeſuits, friers, and other regular Romiſh clergy now reſiding here, and

ſettling in fraternities contrary to law,

ſettling in fraternities and ſocieties, contrary to law, and to the great impoveriſhing of many of his Majeſty's ſubjects of this kingdom, who are forced to maintain and ſupport them;

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promoting rebellion, impoverishing the subject.

which ſaid Romiſh clergy do not only endeavour to withdraw his Majeſty's ſubjects from their obedience, but do daily ſtir up, and move ſedition and rebellion, to the great hazard of the ruine and deſolation of this kingdom; for the prevention of all which miſchiefs, his Majeſty is graciouſly pleaſed that it be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That all popiſh archbiſhops, biſhops, vicars-general, deans, jeſuits, monks, friers, and all other regular popiſh clergy, and all papiſts exerciſing any eccleſiaſtical juriſdiction, ſhall depart out of this kingdom before the firſt day of May, which ſhall be in the year of our lord one thouſand ſix hundred ninety eight; and if any of the ſaid eccleſiaſtical perſons ſhall be at any time after the ſaid firſt day of May within this kingdom, they, and every of them, ſhall ſuffer impriſonment, and remain in priſon, without bail or mainprize, till he or they ſhall be tranſported beyond ſeas, out of his Majeſty's dominions, wherever his Majeſty, his heirs or ſucceſſors, or the chief governor or governors of this kingdom, for the time being, ſhall think fit; and if any perſon ſo tranſported ſhall return again into this kingdom, they, and every of them, ſhall be guilty of high treaſon; and every perſon ſo offending ſhall for his offence be adjudged a traytor, and ſhall ſuffer, loſe, and forfeit as in caſe of high-treaſon.

All popiſh eccleſiaſticks to depart before firſt of May 1698, on pain of impriſonment till tranſportation.
2 *Anne* 3.
2 *Anne* 6.
2 *Anne* 7.
4 *Anne* 2.
8 *Anne* 3.

Returning afterwards, high treaſon.

II. And be it further enacted by the authority aforeſaid, That all and every ſuch popiſh archbiſhops, biſhops, deans, vicars-general, jeſuits, friers, and all other popiſh regular clergy in this kingdom, ſhall, before the ſaid firſt day of May, repair to the city of Dublin, Cork, Kingſale, Youghal, Waterford, Wexford, Gallway, or Carrickfergus, and there remain, until there ſhall be conveniency of ſhipping for their tranſportation into ſome parts beyond ſeas, and out of his Majeſty's dominions; every of them, on their firſt coming into any of the ſaid cities and towns, giving in their names to the mayor, or other chief magiſtrate, who is hereby required to regiſter the ſame, and return an account thereof to the clerk of the council within ten days; and that the ſaid mayor, or other chief magiſtrate of each town, and alſo the collector and ſurveyor of the port, ſhall give their beſt aſſiſtance in tranſporting every ſuch popiſh archbiſhop, biſhop, and other popiſh regular clergyman.

To repair to certain places named, till tranſportation, giving in their names to be regiſtered by the chief magiſtrate, and returned to the clerk of the council in ten days.

Chief magiſtrate, collector, and ſurveyor, to aſſiſt in the tranſporting,

III. And be it further enacted by the authority aforeſaid, That from and after the twenty ninth day of December, which

ſhall be in the year of our Lord God one thouſand ſix hundred and ninety ſeven, no popiſh archbiſhop, biſhop, vicar-general, dean, nor any other papiſt exerciſing any eccleſiaſtical juriſdiction, not eſtabliſhed by the laws of this kingdom, jeſuit, or frier, ſhall come into this kingdom from any parts beyond the ſeas, on pain of twelve months impriſonment, and then to be tranſported in manner aforeſaid; and if any ſuch Romiſh eccleſiaſtical perſon, ſo tranſported, ſhall again return into this kingdom, he and they ſo offending ſhall be guilty of high treaſon, and ſuffer accordingly.

Such as come into the kingdom to ſuffer twelve months impriſonment, and to be tranſported.

Returning afterwards high treaſon 2 *Anne* 7. 8 *Anne* 3.

IV. And be it further enacted, That any perſon, that ſhall from and after the ſaid firſt day of May, knowingly harbour, relieve, conceal, or entertain any ſuch popiſh archbiſhop, biſhop, vicar-general, dean, jeſuit, frier, or any other papiſt exerciſing any eccleſiaſtical juriſdiction, not eſtabliſhed by the laws of this kingdom, or any regular popiſh clergy-man, hereby required to depart out of this kingdom in manner aforeſaid, or that from and after the ſaid twenty ninth day of December one thouſand ſix hundred ninety ſeven ſhall come into this kingdom, contrary to the tenor of this act, ſhall for the firſt offence, forfeit the ſum of twenty pounds; for the ſecond offence double the ſaid ſum; to be levied in manner herein after expreſſed: and if he ſhall offend the third time, to forfeit all his lands and tenements of freehold or inheritance, during his life, and alſo all his goods and chattles: one moiety whereof to his Majeſty, his heirs and ſucceſſors, the other moiety, to ſuch perſon as ſhall inform, ſo as ſuch moiety do not exceed the ſum of one hundred pounds, and the ſurplus of what ſhall remain, to his Majeſty, his heirs and ſucceſſors; the ſaid forfeiture for ſuch third offence, to be recovered by bill, plaint, information, or action for debt, in any his Majeſty's courts of record at Dublin, or at the aſſizes in the reſpective counties.

Knowingly relieving or concealing ſuch popiſh clergy,

Penalty, firſt offence 20l.

ſecond offence 40l.

Third forfeiture of lands for life, and of goods.

Half to the King, and half (but not to exceed 100l.) to informer.

V. And be it enacted by the authority aforeſaid, That upon information on oath to any juſtice of peace in his reſpective county againſt any perſon or perſons, that ſhall knowingly entertain, ſuccour, relieve, or conceal any ſuch popiſh archbiſhop, biſhop, jeſuit, frier, or other eccleſiaſtical popiſh perſon, contrary to the purport and meaning of this act, the ſaid juſtice of the peace ſhall immediately iſſue a ſummons in writing under his hand, thereby requiring the perſon and perſons, ſo informed againſt, at a certain day and place within the ſaid county where ſuch offence ſhall be committed, to appear before him and ſome other juſtice of the peace of the ſaid county, to anſwer the ſaid matter laid to his or their charge;

Juſtices of peace upon information on oath, may ſummon the perſons concealing, inquire, and levy ſaid forfeitures of 20l. and 40l. by diſtreſs, ſale or otherwiſe.

at which time and place the ſaid juſtices ſhall in preſence of the perſon or perſons accuſed, or in caſe of his or their neglect to appear, being duly ſummoned, proceed to the examination of the ſaid matter; and if it ſhall appear to them on evidence upon oath, that the perſon or perſons ſo complained of are guilty, the ſaid juſtices, ſhall by warrant under their hands and ſeals, levy the aforeſaid forfeitures of twenty pounds for the firſt offence, and forty pounds for the ſecond offence, of the goods and chattles of the perſon or perſons offending, by diſtreſs, ſale, or otherwiſe, and diſpoſe of one moiety of ſuch forfeitures to the informer or informers, and the other moiety to the treaſurer of the county where ſuch offence ſhall be committed, for the uſe of the county; and for default thereof, to commit the perſon offending to the county goal, there to remain without bail or mainprize, until he or they ſhall pay the ſaid forfeitures and penalties.

One moiety to informer, the other for the uſe of the county.

On default of payment to commit to priſon.

None ſhall bury in ſuppreſſed monaſteries not uſed for divine ſervice,

VI. And be it further enacted, That no perſon whatſoever ſhall, from and after the ſaid twenty ninth day of December, bury any dead in any ſuppreſt monaſtery, abbey, or convent, that is not made uſe of for celebrating divine ſervice, according to the liturgy of the church of Ireland by law eſtabliſhed, or within the precincts thereof, upon pain of forfeiting the ſum of ten pounds; which ſaid ſum of ten pounds ſhall and may be recovered from any perſon or perſons that ſhall be preſent at ſuch burial, and offending contrary to the tenor of this act; which ſaid forfeitures all and every juſtices of the peace, in his and their reſpective counties, are hereby authorized, to hear and determine in manner as herein before is mentioned and declared; one moiety of which ſaid laſt forfeiture for burying contrary to this act ſhall be by ſuch juſtice given unto the informer, and the other moiety to the miniſter and church wardens of the pariſh, where any ſuch offences ſhall be committed, to be diſpoſed of for the uſe of the pariſh.

Penalty 10l. from any perſon preſent.

One moiety to informer, the other to uſe of the pariſh.

Appeal from juſtices of peace to next aſſizes or quarter ſeſſions.

VII. Provided always, That if any perſon or perſons ſhall think him or themſelves aggrieved: by the judgment and determination of ſuch two juſtices of the peace, that the perſon and perſons ſo agrieved may appeal from their judgment and determination to the next judges of aſſize, or to the juſtices of peace at the next general quarter-ſeſſions, who are hereby impowered to examine the ſaid matter, and give ſuch relief therein as to them ſhall ſeem meet.

Juſtices of peace may apprehend and commit popiſh eccleſiaſticks,

VIII. And it is further enacted, That all and every juſtice of the peace ſhall from time to time iſſue their warrants for apprehending and committal of all popiſh archbiſhops, biſhops,

jeſuits, friers and other popiſh eccleſiaſtical perſons whatſoever, that ſhall remain and continue in this kingdom, contrary to the tenor and meaning of this act; and for ſuppreſſing all monaſteries, frieries, nunneries, or other popiſh fraternities or ſocieties. A. D. 1697. and ſuppreſs all frieries, &c.

IX. And be it further enacted by the authority aforeſaid, That all and every the juſtices of the peace in this kingdom ſhall give an account in writing of their proceedings in execution of this ſtatute, at the next general quarter-ſeſſions for the county in which he ſhall dwell, which ſhall be at ſuch quarter-ſeſſions entered and regiſtered. And give account in writing to be entered and regiſtered at the next ſeſſions.

X. And be it further enacted, That if any juſtice of the peace, mayor, or other officer ſhall neglect doing their duty in execution of this preſent act, every ſuch juſtice of the peace, mayor, and other officer, ſhall for every ſuch neglect forfeit the ſum of one hundred pounds, to be recovered by action of debt, bill, plaint or information, wherein no protection, eſſoyn, or wager of law ſhall be allowed of, nor but one imparlance, one moiety thereof to the King's Majeſty, his heirs and ſucceſſors, the other moiety to the informer, or perſon that ſhall ſue for the ſame, and be diſabled from ſerving as a juſtice of the peace during his life. Penalty on juſtices neglecting, 100l. and diſability for life.

CHAP. II.

An Act for the Confirmation of Articles, made at the Surrender of the City of Limerick.

WHEREAS divers doubts have ariſen on the articles made at the treaty for the late ſurrender of the city of Limerick, the third day of October one thouſand ſix hundred ninety one, and concerning the true intent and meaning of ſeveral parts thereof: and whereas your Majeſty hath been graciouſly pleaſed to recommend to your Parliament: That the ſaid articles, or ſo much of them as may conſiſt with the ſafety and welfare of your Majeſty's ſubjects of this kingdom, may be confirmed by authority of this preſent Parliament; we the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, having due regard to your Majeſty's honour, for declaring the true ſenſe and meaning of the ſaid articles, and taking away all occaſions of doubt for the time to come, do moſt humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiri- Doubts on the articles of Limerick third of October, 1691. Confirmation of ſaid articles by Parliament recommended by the King.

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tual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſecond article, in the aforeſaid articles mentioned, be and is hereby confirmed and ratified in the ſenſe and intendment following, and no otherwiſe: (that is to ſay) that all the inhabitants or reſidents of Limerick, or any other garriſon in the poſſeſſion of the Iriſh, at the time of making the ſaid articles, and all officers and ſoldiers then in arms, under any commiſſion of the late King James, or thoſe authorized by him to grant the ſame, in the ſeveral counties of Limerick, Clare, Kerry, Cork and Mayo, and all the commiſſioned officers in the quarters of his Majeſty, that belonged to the Iriſh regiments then in being, that were treated with, and who were not priſoners of war, nor had at any time before that time enjoyed the benefit of protections for the ſafety of themſelves, or their goods and families; which ſaid officers have in purſuance of the ſaid articles returned to their obedience, and ſubmitted to his Majeſty, and to her late Majeſty Queen Mary; ſuch inhabitants or reſidents of Limerick, or any other garriſon, as aforeſaid; ſuch officers and ſoldiers reſpectively, as aforeſaid, and their and every of their heirs, ſhall hold, poſſeſs, and enjoy all and every their eſtates of free-hold and inheritance, and all the rights, titles and intereſts, priviledges and immunities to the ſaid eſtates of free-hold and inheritance belonging, which they, and every, or any of them held, enjoyed, or were rightfully and lawfully intituled to, in the reign of King Charles the ſecond, or at any time ſince, by the laws and ſtatutes that were in force in the ſaid reign of King Charles the ſecond; and ſuch poſſeſſion as was given the ſaid inhabitants, officers, and ſoldiers, in whoſe behalf the ſaid articles were as aforeſaid made, of lands then in his Majeſty's hands, or in the hands of his tenants, by order of the then government under his Majeſty, is, as to the poſſeſſion only, and no more, confirmed and ratified by the authority of this act, againſt his Majeſty, his heirs and ſucceſſors; and all ſuch eſtates of free-hold and inheritance, ſhall be freed and diſcharged, and by the authority of this preſent act are declared and enacted to be and ſtand freed and diſcharged, of and from all arrears of crown-rents, quit-rents, and other publick charges incurred, or become due from and after the feaſt of Saint Michael the Arch-angel, in the year of our Lord one thouſand ſix hundred eight eight, to the day of the date of the ſaid articles.

The ſecond article confirmed in the following ſenſe, that the inhabitants of Limerick or Iriſh garriſons at that time, and officers and ſoldiers under King James in Limerick, Clare, Kerry, Cork and Mayo, and commiſſioned officers of Iriſh regiments in the King's quarters, who were treated with and ſubmitted, ſhall enjoy their eſtates held in the reign of King Charles II. or ſince.

and poſſeſſion given them of lands in hands of the King or his tenants, is, as to the poſſeſſion only, confirmed againſt the King.

All ſaid eſtates diſcharged from arrears of crown rent, &c. from 1688 to the time of the articles.

II. Provided always, and be it enacted by the authority aforeſaid, That this act, or any thing therein contained, ſhall not extend,

Not to extend to a grant of any new

extend, or be conſtrued to extend to a grant of any new right to the aforeſaid perſons, in whoſe behalf the aforeſaid articles were made, or any of them; but that the ſame ſhall extend and be conſtrued to extend to the reſtoring the ſaid perſons, and every of them, to their ſaid eſtates of freehold and inheritance, againſt his Majeſty, his heirs and ſucceſſors, in as large and ample manner as they ſhould have enjoyed the ſame, had they not been guilty of the rebellion aforeſaid, and not otherwiſe, or in any other manner: neither ſhall this act extend, or be conſtrued to extend to alter or avoid the poſſeſſion of any ſuch lands, tenements, or hereditaments, as have been recovered or gained by any other of his Majeſty's ſubjects from or againſt the ſaid perſons, in whoſe behalf the ſaid articles were made, or any of them, at any time ſince the date of the ſaid articles; any thing in this act to the contrary notwithſtanding.

right, but only to reſtore them, againſt the King, as if not guilty of rebellion.

Not to alter or avoid poſſeſſion recovered or gained from them by any ſubject ſince ſaid articles.

III. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons comprehended in the ſaid ſecond article in the ſaid articles mentioned, ſhall have, hold, and enjoy all his and their goods and chattels real and perſonal, to them, or any of them, at the time of making the ſaid articles belonging, and which then, or at that time remained either in their own hands, or in the hands of any other perſon or perſons whatſoever in truſt for them, or for the uſe of them, or any of them; and the ſaid goods and chattels real and perſonal as aforeſaid, ſhall have, hold, and enjoy, againſt his Majeſty, his heirs and ſucceſſors; and as for and concerning all other the goods and chattels real and perſonal, which formerly did belong to, or were the property of, any of the ſaid perſons comprehended within the ſaid articles, as aforeſaid, at any time before the date of the ſaid articles which ſaid goods and chattels real and perſonal had been at any time ſince the tenth day of April one thouſand ſix hundred eighty nine, and before the date of the ſaid articles, ſeized, ſequeſtred, or by any manner of way taken to the uſe of his Majeſty and her ſaid late Majeſty the Queen, by any ſheriff, eſcheator, commiſſioner, officer civil or military, their miniſters or ſervants, or any other perſon or perſons whatſoever; and all other the goods and chattles of the ſaid perſons, which were not in their own poſſeſſion, or in the poſſeſſion of any perſon or perſons as aforeſaid in truſt for them at the day of the making the ſaid articles, the ſame by the authority of this act ſhall be deemed, veſted, and adjudged to be in the actual and real poſſeſſion of his Majeſty, without any office or inquiſition thereof hereafter to be found or taken,

They ſhall enjoy againſt the King all their goods and chattels at the date of the articles.

But all ſuch as were ſeiſed before the articles, or were not then in their poſſeſſion or in truſt for them, ſhall be veſted in the King without office or inquiſition.

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ſaving to all and every perſon and perſons, bodies politick and corporate, and to their ſucceſſors, executors, adminiſtrators and aſſigns, and to the ſucceſſors, executors, adminiſtrators, and aſſigns of every of them, other than the ſaid perſons in whoſe behalf the ſaid articles were made, and their executors, adminiſtrators and aſſigns, claiming any thing in the ſaid goods and chattels real and perſonal, or any part thereof, as executors, adminiſtrators, or aſſigns of the ſaid perſons, in whoſe behalf the ſaid articles were made, or any of them, and all and every other perſon or perſons claiming or having any thing in the ſaid goods and chattels real or perſonal as aforeſaid, ſeized, ſequeſtered, or by any manner of way taken to the uſe of his Majeſty as aforeſaid, to the uſe of the perſons in whoſe behalf the ſaid articles were made, or any of them, or to the uſe of any their executors and adminiſtrators, all ſuch right, title, intereſt, poſſeſſion, uſe, action, and means to recover the ſame whatſoever, which they or any of them had, or ought to have in the premiſſes, or any part thereof, againſt the ſaid perſons in whoſe behalf the ſaid articles were made, or any of them, in as large and ample manner, to all intents and purpoſes, as if this act had never been had or made, or any thing herein contained to the contrary notwithſtanding.

Saving the right of others.

IV. Provided always, That this act, or any thing therein contained, ſhall not extend to avoid any grant or grants at any time heretofore made by his Majeſty and the late Queen of bleſſed memory, or by his Majeſty, of any ſuch goods and chattels real or perſonal, hereby intended to be veſted in his Majeſty as aforeſaid: but that ſuch grant and grants reſpectively ſhall be and remain in ſuch force and effect as if this act had not been made.

Grants by the crown of ſuch goods and chattels not hereby avoided.

V. Provided always, and be it enacted by the authority aforeſaid, That no perſon or perſons ſhall be conſtrued to be reſtored within the intent and meaning of the ſaid articles, or of this act, who, at the time of their hearing their reſpective claims to the benefit of the ſaid articles, ſhall neglect or refuſe to take the oaths of fidelity to his Majeſty mentioned in the ſaid articles; nor to reſtore ſuch, who at the time of making of the ſaid articles, was or were out of the kingdom of Ireland; except ſuch perſons as are comprized in the fourth article of the ſaid articles made for the late ſurrender of Limerick; which ſaid perſons, in the ſaid fourth article comprized, ſhall have the benefit of the ſaid ſecond article, in ſuch manner and form as in and by this act is as aforeſaid declared, and no otherwiſe.

Perſons at the hearing their claims not taking the oaths of fidelity in the articles, or out of the kingdom at the date of the articles, not reſtored, except thoſe compriſed in the fourth article,

VI. Provided the ſaid perſons in the ſaid fourth article named reſpectively did return hither within the ſpace of eight months from the date of the ſaid articles, and have within that time ſubmitted

If they returned in eight months from the date,

mitted to the government of his Majeſty and her late Majeſty the late Queen; and alſo within that time taken the oath of allegiance to his Majeſty and her late Majeſty the Queen.

submitted, and took oath of allegiance.

VII. Be it further enacted by the authority aforeſaid, That all merchants, or reputed merchants, inhabitants of the town of Limerick, or of any other garriſon, which at the time of making the ſaid articles was poſſeſſed by the Iriſh, or of any town, or place in the counties of Clare or Kerry, who were abſent beyond the ſeas, and that have not been in arms ſince the declaration made by his Majeſty, and her late Majeſty Queen Mary in February one thouſand ſix hundred eighty eight, ſhall have the benefit of the ſecond article, in manner and form aforeſaid declared, in as large and ample manner as if ſuch merchants or reputed merchants had been preſent at the making of the ſaid articles: provided ſuch merchants, or reputed merchants, did repair into this kingdom within the ſpace of eight months from the date of the ſaid articles, and ſubmitted himſelf, or themſelves to his Majeſty and her late Majeſty's government.

Merchants who were beyond ſeas, and not in arms ſince the declaration in Feb. 1688, ſhall have benefit of the ſecond article,

if they returned in eight months from the date, and ſubmitted.

VIII. And be it enacted by the authority aforeſaid, That all and ſingular the perſons already adjudged, or that ſhall hereafter be adjudged, to have been comprized within the ſecond and third articles of the aforeſaid articles of Limerick, ſhall from henceforth be deemed and taken to be, as to any proſecution in the name and behalf of his Majeſty and of her late Majeſty, or in the name and behalf of his Majeſty, his heirs and ſucceſſors, fully and abſolutely pardoned by the authority of this act, of all attainders or out-lawries in this kingdom had or done, for all treaſons, miſpriſions of treaſons, premunires, felonies, treſpaſſes, and other crimes or miſdemeanors whatſoever by them, or any of them, committed or done ſince the beginning of the reign of the late King James, to the third day of October one thouſand ſix hundred ninety one.

Perſons compriſed in the ſecond and third articles pardoned offences from 1 *J.* 2. to 3 Oct. 1691.

IX. And be it further enacted by the authority aforeſaid, That from and after the expiration of two years, to be computed from the firſt day of September one thouſand ſix hundred ninety ſeven no perſon or perſons whatſoever ſhall be adjudged, deemed, or taken to be intitled to, or have the benefit of the ſaid articles, who ſhall not be adjudged within that time to be comprehended therein.

But none intitled to benefit of the articles, who ſhall not in 2 years from Sept. 1697, be adjudged comprehended therein.

X. And whereas ſome queſtions or doubts have ariſen for and concerning the time of the beginning of the rebellion or war in this kingdom; be it enacted by the authority aforeſaid, That the ſaid rebellion or war is hereby declared to have begun upon the tenth day of April one thouſand ſix hundred eighty nine, the ſame being the day limited to the ſaid rebels and traitors by his

The rebellion declared to have begun 10th April, 1689, the day by the declaration of Feb. 1688, limited

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to the rebels to lay down arms.

Majeſty and her late Majeſty's declaration, in February one thouſand ſix hundred eighty eight, for the ſaid rebels and traitors laying down of their arms, and accepting of their ſaid Majeſties grace and mercy, on the terms in the ſaid declaration propoſed: and that no perſon or perſons whatſoever already adjudged, or that ſhall be hereafter adjudged, to be comprehended in the foregoing articles, ſhall be ſued, moleſted, or impleaded, at the ſuit of any party or parties whatſoever, for any treſpaſſes by the ſaid perſons as aforeſaid comprized, committed, or done, at any time ſince the ſaid tenth of April one thouſand ſix hundred eighty nine, and before the date of the ſaid articles, or for any arms, horſes, money, goods, chattels, merchandizes, or proviſions whatſoever, by them ſeized or taken at any time after the ſaid tenth day of April one thouſand ſix hundred eighty nine, and before the date of the ſaid articles; and no perſon or perſons whatſoever, in the ſecond or third articles comprized, ſhall be ſued, impleaded, or made accountable for the rents or meſne-rates of any lands, tenements, or houſes by him or them received or enjoyed in this kingdom ſince the ſaid tenth day of April one thouſand ſix hundred eighty nine, to the day of the date of the ſaid articles, nor for any waſte or treſpaſs by him or them committed in any ſuch lands, tenements, or houſes, ſince the ſaid tenth day of April one thouſand ſix hundred eighty nine, and before the date of the ſaid articles.

None comprehended in ſaid articles ſhall be moleſted for treſpaſſes done, rents received, or waſte committed, ſince 10 April 1689, and before the date of the articles.

XI. And whereas it is neceſſary that a time be limitted for the bringing of the ſaid private actions for or on account of ſuch wrongs, injuries, and treſpaſſes as aforeſaid, committed or done by any perſon or perſons comprehended, or claiming the benefit of the ſaid articles, ſince the ſaid fifth day of November one thouſand ſix hundred eighty eight, to the ſaid tenth day of April one thouſand ſix hundred eighty nine: be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for ſuch perſon and perſons as have had any wrongs, injuries, and treſpaſſes committed upon them by any of the perſons aforeſaid, ſince the ſaid fifth day of November one thouſand ſix hundred eighty eight, and before the ſaid tenth day of April one thouſand ſix hundred eighty nine, to commence his or their action or actions againſt ſuch treſpaſſer or treſpaſſers, wrong-doer or wrong-doers, at any time within the ſpace of one year to be accounted from the ſaid firſt day of September one thouſand ſix hundred ninety ſeven, and at no other time or times after the expiration of the ſaid year; any law, or ſtatute, to the contrary notwithſtanding.

Perſons receiving any injury ſince 5 Nov. 1688, and before 10 Apr. 1689, may commence actions within 1 year from 1 Sept. 1697, not afterwards.

A. D. 1697.

CHAP. III.

An Act to prevent Proteſtants inter-marrying with Papiſts.

WHEREAS many proteſtant maidens and women, as well ſuch as be heirs apparent to their anceſtors, as others, having left unto them by their father, or other anceſtor or friends, mannors, lands, tenements, and hereditaments, or other great ſubſtances in goods or chattels real or perſonal, for their advancement in marriage; or having had conſiderable eſtates for life, by dower or jointure, or having had the tuition or guardianſhip of proteſtant children intitled to ſuch eſtates or intereſts as aforeſaid, by flattery, and other crafty inſinuations of popiſh perſons, have been ſeduced and prevailed upon to contract matrimony with, and take to huſband, papiſts or popiſh perſons; which marriages have not only tended to the ruin and deſtruction of ſuch eſtates and intereſts, and to the great loſs and damage of many proteſtant perſons, to whom the ſame might deſcend or come, but as well to the corrupting and perverting ſuch proteſtants ſo marrying, and the proteſtant perſons in their tuition and guardianſhip, as aforeſaid, that they forſake their religion, and become papiſts, to the great diſhonour of Almighty God, the great prejudice of the proteſtant intereſt, and the heavy ſorrow and diſpleaſure of all their proteſtant friends: for remedy whereof, be it enacted by the king's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any proteſtant maid or woman unmarried, being heir apparent to her anceſtor, or having a ſole or joynt eſtate or intereſt in fee-ſimple, or in fee-tail, or being ſeized in fee-ſimple, or in coparcenary or in common, or being ſeized of an eſtate for life or lives, by way of jointure, dower, or otherwiſe, or being poſſeſſed of, or intitled unto any beneficial intereſt, or term for years, of or in any mannors, lands, tenements, rents, and hereditaments, in poſſeſſion, reverſion, or remainder, or being poſſeſſed of, or intitled to any perſonal eſtate, either in money, ſtock, plate, jewels, or other goods and chattels, in law or equity, to the value of five hundred pounds *ſterling*, or more, ſhall, at any time after the firſt day of January next, marry or take to huſband any perſon whatſoever, without having firſt obtained a certificate in writing under the hand of the miniſter of the pariſh, biſhop of the dioceſs, and ſome juſtice of the peace living near the place, or any two of them, where ſuch perſon ſhall be reſident at the time of ſuch marriage, that he is a known

Miſchiefs by proteſtant women marrying papiſts.

If a proteſtant woman unmarried, heir apparent, or having any eſtate or intereſt in lands, or 500l. perſonal eſtate, marry without certificate of the miniſter, biſhop, and a neighbouring juſtice, of the perſon's being a known proteſtant, (or any 2 of them) they ſhall be incapable of holding ſuch eſtates or intereſts.

2 *Anne* 6. *extended to thoſe marrying out of the kingdom.*

Certificate atteſted by 2 witneſſes, and granted without fee,

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2 *Anne* 6. *a different certificate where the marriage out of the kingdom.*

known proteſtant; which certificate ſhall alſo be atteſted under the hands of two or more credible witneſſes, and ſhall be granted without fee or reward; that then, and from the time of ſuch marriage, ſuch proteſtant perſon ſo marrying, and the perſon ſhe ſhall ſo marry, ſhall be for ever afterwards diſabled and rendered incapable of having, holding, or enjoying all or any of the aforeſaid eſtates or intereſts, which ſuch proteſtant perſon ſo marrying ſhall, may, or ought to have at the time of ſuch marriage; and that by ſuch marriage as aforeſaid, all and every of the ſaid eſtates and intereſts belonging to ſuch proteſtant perſon or perſons, ſo marrying as aforeſaid, ſhall go to, and be veſted in, and in law deemed and eſteemed to be the right, title, eſtate, and intereſt of the next proteſtant of the kin, to whom ſuch eſtate or intereſt would deſcend or come to by law, were ſuch proteſtant maid or woman, and all other intervening popiſh heirs, executors, or adminiſtrators, really dead and inteſtate at the time of ſuch marriage; and that from the time of ſuch marriage, ſuch next proteſtant of the kin as aforeſaid, to whom all or any of the ſaid eſtates or intereſts ſhall come by ſuch marriage as aforeſaid, ſhall have, hold, poſſeſs, and enjoy all and every ſuch eſtates and intereſts, in as large, ample, and beneficial manner, to all intents and purpoſes, as ſuch proteſtant maid or woman might have held, poſſeſſed, or enjoyed the ſame, in caſe this act had never been made; and that at any time after ſuch proteſtant maid or woman ſhall marry without ſuch certificate as aforeſaid, it ſhall and may be lawful to and for ſuch proteſtant perſon or perſons, to whom all or any of the ſaid eſtates or intereſts ſhall come by ſuch marriage as aforeſaid, by any action at law, or other legal means whatſoever, to ſue for, and recover all or any of the ſaid eſtates or intereſts, as if ſuch proteſtant perſon or perſons, ſo marrying as aforeſaid, and all other intervening popiſh heirs, executors, or adminiſtrators, were really dead and inteſtate, as aforeſaid, and as if ſuch perſon or perſons, who ſhall ſo ſue for and recover all or any of ſuch eſtates or intereſts, were rightfully and legally intitled thereto, as heir, executor, or adminiſtrator to ſuch proteſtant maid or woman marrying as aforeſaid; ſuch maid or woman being by ſuch marriage to be deemed and eſteemed dead in law, to the aforeſaid intents, conſtructions, and purpoſes: and if any ſuch proteſtant maid or woman as aforeſaid ſhall, at any time after the firſt day of January one thouſand ſix hundred ninety ſeven, marry any ſuch perſon without ſuch certificate as aforeſaid, that then and from thenceforth ſuch proteſtant perſons and ſuch huſband as ſhe ſhall ſo marry, as aforeſaid, ſhall for ever be incapable of being heir, executor, adminiſtrator, or guardian of or to any proteſtant or proteſtants whatſoever; and

And the ſaid eſtates and intereſts ſhall go to next proteſtant of kin, to whom the ſame would deſcend, if ſhe and all intervening popiſh heirs, *&c.* were dead inteſtate.

And ſuch proteſtant next of kin may ſue for and recover the ſame as if legally intitled as heir, *&c.* to ſuch woman marrying, who to that purpoſe ſhall be deemed dead in law.

Such woman and her huſband incapable of being heir, executor, adminiſtrator, or guardian to any proteſtant;

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in caſe any proteſtant woman as aforeſaid is now married to a popiſh perſon, and hath now by law a title, or is choſen or appointed to be guardian to any proteſtant perſon or perſons, having all or any of the ſaid eſtates or intereſts aforeſaid, that in ſuch caſe, from and after the ſaid firſt day of January, ſuch guardian ſhall be utterly uncapable of being any longer ſo guardian, or to receive any the rents, iſſues, or profits of the ſaid eſtates or intereſts of ſuch perſon or perſons in guardianſhip as aforeſaid; and the right and title of ſuch guardianſhip ſhall devolve on and come to the next proteſtant or proteſtants of the kin, to whom the eſtate of ſuch perſon or perſons in guardianſhip as aforeſaid cannot deſcend, unleſs ſuch perſon ſhall be uncapable in law, or ſhall be adjudged unfit for ſuch guardianſhip by the court of Chancery in this kingdom; in either of which caſes ſuch right of guardianſhip ſhall go to the next proteſtant of kin, who ſhall be capable and fit for the diſcharge of ſuch truſt, who ſhall take into his, her, or their care and tuition, ſuch perſon and perſons in guardianſhip as aforeſaid, and receive the rents, iſſues, and profits of ſuch eſtates and intereſts belonging to ſuch perſon or perſons ſo in guardianſhip: and that in caſe any proteſtant miniſter, or popiſh prieſt, or other perſon whatſoever ſhall, after the ſaid firſt day of January, joyn in marriage any proteſtant maid or woman, having any of the ſaid eſtates or intereſts aforeſaid, to any perſon whatſoever, without having ſuch certificate in writing as aforeſaid, then every ſuch proteſtant miniſter, popiſh prieſt, or other perſon whatſoever, joyning in marriage as aforeſaid ſuch proteſtant maid or woman to any perſon, without ſuch certificate as aforeſaid, for every ſuch offence he or they ſhall ſo commit, being convicted thereof by his or their confeſſion, or by the verdict of a jury of twelve men of the county wherein ſuch offence ſhall be committed, ſhall ſuffer one year's impriſonment without bail or mainprize, and forfeit the ſum of twenty pounds *ſterling*; the one moiety thereof to our ſovereign lord the King that now is, his heirs and ſucceſſors, and the other moiety to the party or parties that will ſue for the ſame by any bill, plaint, action, ſuit, or information, wherein no eſſoyn, wager of law, or protection ſhall be allowed.

ſo where a proteſtant woman is now married to a papiſt, and is intitled to be guardian to a proteſtant;

the right of guardianſhip ſhall devolve on next proteſtant of kin to whom the eſtate cannot deſcend, if capable and fit to diſcharge the truſt.

Penalty on the perſon joining them in marriage without certificate, 1 year's impriſonment and 20l. upon conviction, to the King, and proſecutor.

II. And whereas the marriages of proteſtant perſons to and with popiſh maidens and women have proved pernicious to the proteſtant intereſt, it commonly happening ſuch proteſtant perſons and their iſſues, being influenced by ſuch popiſh wives, are reconciled to popery, and become papiſts; for remedy whereof, be it further enacted by the authority aforeſaid, That in caſe any proteſtant perſon or perſons ſhall, after the ſaid firſt day of January next, marry any maiden or woman, without having obtained

Miſchief of proteſtants marrying popiſh wives; the iſſue becoming papiſts.

Proteſtant marrying any woman without ſuch certificate, deem-

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tained a certificate in writing under the hand of the miniſter of the pariſh, biſhop of the dioceſs, and ſome juſtice of the peace living near the place where ſuch maid or woman ſhall be reſident at the time of ſuch marriage, or any two of them, of her being a known proteſtant, (which certificate ſhall be atteſted by two credible witneſſes as aforeſaid, and ſhall be granted without fee or reward) ſuch perſon or perſons, ſo marrying any maiden or woman, ſhall, from and after ſuch marriage, be in law deemed and eſteemed to all intents, conſtructions, and purpoſes, to be a papiſt or popiſh recuſant, and ſhall for ever afterwards be diſabled and rendered incapable of and from being heir, executor, adminiſtrator, or guardian to any perſon or perſons whatſoever, as alſo be diſabled to ſit in either houſe of Parliament, and rendered incapable of and from having, bearing, or exerciſing, any civil or military office or imployment whatſoever, unleſs ſuch perſon ſo marrying ſhall, within one year after ſuch marriage, procure ſuch wife to be converted to the proteſtant religion, and ſhall obtain a certificate under the hand and ſeal of the biſhop of the dioceſs, or archbiſhop of the province, or chancellor of this kingdom, that ſhe hath renounced the popiſh religion, and is become a proteſtant, and ſhall procure the ſaid certificate to be inrolled in the court of Chancery in this kingdom.

ed papiſt or popiſh recuſant,

and diſabled from being heir, executor, adminiſtrator, or guardian,

or to ſit in Parliament, or bear office or employment, unleſs ſhe is converted within a year, and certificate thereof by the biſhop or chancellor, and inrolled in Chancery.

III. And whereas ſeveral popiſh prieſts have of late endeavoured to withdraw ſeveral of the ſoldiers inliſted in his Majeſty's army, from his Majeſty's ſervice, by marrying them to popiſh wives: be it therefore further enacted, That any popiſh prieſt, or proteſtant miniſter, or other perſon whatſoever, that ſhall marry any ſoldier inliſted in his Majeſty's army in this kingdom, to any wife, without ſuch certificate as aforeſaid, ſhall forfeit the ſum of twenty pounds for every ſuch offence, to be levied by warrant from any juſtice of the peace in any county in this kingdom, where ſuch offence ſhall be committed, of the goods and chattels of the offender, or in default thereof, the party ſo offending to be committed to the county gaol, there to remain without bail or mainprize, until he ſhall pay the ſaid ſum; one moiety thereof to ſuch perſon or perſons that ſhall give information, and make out ſuch offence before any juſtice of the peace, and the other moiety to the treaſurer of the county, to be applied to the uſe of the county; and that every juſtice of the peace ſhall give an account of his proceedings to the next quarter-ſeſſion.

Soldiers withdrawn from the King's ſervice by marrying papiſts.

Whoever marries any ſoldier to any wife without ſuch certificate, forfeits 20l. to be levied by warrant of juſtice, or in default, committed to goal;

one moiety to informer making out the offence, the other to uſe of the county,

Juſtices to account at quarter ſeſſions.

IV. Provided always, That any perſon that ſhall think himſelf aggrieved by the judgment of any juſtice of the peace, may have liberty to appeal to the next quarter-ſeſſions, where the ſaid matter ſhall be examined, and ſuch relief therein given, as to the juſtices at the quarter-ſeſſions ſhall ſeem reaſonable.

Appeal lies to next quarter ſeſſions.

V. Pro-

A. D. 1697.

V. Provided always, and be it enacted, That in all caſes where a certificate is required by this act, that the perſon marrying is a known proteſtant, if any marriage ſhall be made without ſuch certificate, and it can afterwards be made appear by proof, that ſuch perſon was a known proteſtant, that in ſuch caſe they ſhall not be lyable to any forfeitures or penalties in this act.

Where proved that the perſon was a known proteſtant, tho' no certificate, they are not liable to the penalties.

CHAP. IV.

An Act for granting an additional Duty on Tobacco; and for continuing unto His Majeſty an Aid or Additional Cuſtom on ſeveral Goods and Merchandizes: and alſo for continuing the Additional Duty on Beer and Ale, and other Liquors, till the twenty fifth Day of December one thouſand ſeven hundred and two.

WE your Majeſty's obedient and faithful ſubjects the commons of Ireland in Parliament aſſembled, being by duty obliged, and always ready to the utmoſt of our abilities, to ſupply and furniſh your Majeſty with ſuch ſums of money as may defray the neceſſary charge of the government of this kingdom, and to provide for ſuch publick works as may tend to the quiet and good of the ſame, do with all gratitude and humility expreſs our thankfulneſs to your Majeſty, for having, upon the addreſs of commons in Parliament aſſembled, given orders to grant reſpites from time to time to the collecting of quit-rents, crown-rents, and compoſition-rents due to your Majeſty out of the houſes and lands, which through the calamities of the late rebellion have been waſte from the five and twentieth of March one thouſand ſix hundred ninety two, to the five and twentieth of March one thouſand ſix hundred ninety five, and thereby have been diſabled to pay the ſame; and alſo for giving orders and directions for the due regulation and government of the army in this kingdom, by which means the ſoldiers have been leſs grievous and burthenſome to the ſame than formerly, in their reſpective garriſons and quarters: but foraſmuch as it is found to be abſolutely neceſſary, as well for the good diſcipline and order of your Majeſty's army, as for the welfare of your Majeſty's liege people of this realm, that the ſaid army ſhould be diſpoſed of, and lodged and quartered in barracks, whereby they will not only be kept together under the eye and care of their ſeveral officers, but your Majeſty's other ſubjects of this kingdom will thereby be eaſed of quartering in their houſes, to which they have formerly, for the neceſſity of affairs, ſubmitted: therefore, as a further ſupply to your Majeſty, and alſo towards the building and erecting barracks in ſuch convenient and neceſſary parts of this kingdom for the uſe of the army, as to your Majeſty ſhall ſeem moſt proper for the ſame; and that the ſaid reſpited arrears of quit-rent, crown-rent, and compoſition-rent due out of waſte houſes and lands, from the five and twentieth of March one thouſand ſix hundred ninety two, to the five and twentieth of March one thouſand ſix hundred ninety-five, may be effectually anſwered unto your Majeſty's Exchequer, and to anſwer the other uſes hereafter in this act provided for in addition to the ſupplies already granted to your Majeſty this ſeſſion of Parliament; we humbly beſeech your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That an additional duty of one penny *per* pound be raiſed and levied upon all tobacco that ſhall be found to be, or to have been in this kingdom in the hands of any merchant, or other perſon whatſoever, the firſt day of November one thouſand ſix hundred ninety ſeven, whenſoever the ſame was imported: and alſo upon all tobacco that ſhall be imported

The commons in duty bound and ready to give the King ſufficient to defray neceſſary charges of government, and for publick works,

thankfulneſs expreſſed for his orders to reſpite collecting quit, crown, and compoſition rents of lands waſte by the late rebellion from 1692 to 1695,

and for regulation of the army which has been thereby leſs burthenſome.

Abſolutely neceſſary that the army ſhould be lodged in barracks, kept together under eye of their officers, and the ſubject eaſed of quartering;

as a further ſupply, and towards building barracks, and to anſwer ſaid reſpited arrears and the other uſes,

in addition to the ſupply granted this ſeſſion,

additional duties of 1d. per lb. on tobacco,

until 25 Dec. 1699.

imported into this kingdom after the firſt day of November one thouſand ſix hundred ninety ſeven, until the five and twentieth of December, which ſhall be in the year of our Lord one thouſand ſix hundred ninety nine.

neceſſary to continue till 25 Dec. 1702, the additional cuſtom granted this ſeſſion upon ſeveral merchandiſes.

II. And whereas it is found neceſſary to anſwer the ends aforeſaid, That the aditional cuſtom granted to his Majeſty on ſeveral goods and merchandizes, by ſeveral acts made in this ſeſſion of Parliament, ſhall be continued till the five and twentieth of December one thouſand ſeven hundred and two; be it further enacted by the authority aforeſaid, That all tobacco, muſlin, callicoes, and all ſorts of linnen, Scotch cloth, and wines, except wines of the growth of Spain, and of the dominions thereunto belonging, that ſhall be imported into this kingdom at any time from and after the four and twentieth day of December one thouſand ſix hundred ninety nine, unto the five and twentieth day of December, which ſhall be in the year one ſeven hundred and two, and no longer, ſhall anſwer and pay unto his Majeſty, his heirs and ſucceſſors, over and above all rates and duties due or payable for or out of the ſame, by vertue of any former or other law in force in this kingdom (except only the ſeveral ſtatutes formerly made in this preſent ſeſſion of Parliament, which laid ſeveral additional duties on the ſaid goods, until the ſaid five and twentieth day of December, which will be in the year one thouſand ſix hundred ninety nine) the ſeveral rates and duties hereafter mentioned: (that is to ſay) for every pound weight of tobacco to be imported within the time aforeſaid, two pence half-penny *ſterling*; for every ell of muſlin, callico, and of all and every other ſorts of linnen imported within the the time aforeſaid (Scotch cloth excepted) ſix pence *ſterling*; and for every yard of Scotch cloth imported within the aforeſaid time, ſix pence *ſterling*; for every tun of wine (except wines of the growth of Spain, and the dominions thereunto belonging) imported within the time aforeſaid, three pounds *ſterling*; and ſo proportionably for a greater or leſſer quantity; which ſeveral duties ſhall and may be raiſed, collected, and levied, and paid unto his Majeſty, his heirs, and ſucceſſors during the time aforeſaid, at the ſame times, and in the ſame manner and place, and by ſuch rules, and ways, and means, and under ſuch penalties and forfeitures, as are mentioned and expreſſed in one act of Parliament made in a ſeſſion of Parliament which began the eighth day of May in the thirteenth year of the reign of the late King Charles the ſecond, intituled, *An act for ſettling the exciſe or new impoſt*, upon the ſaid late King Charles the ſecond, his heirs and ſucceſſors; the ſame to be paid upon merchandizes imported and exported into or out of the kingdom of Ireland, according to the book of rates to the ſaid act annexed.

Additional duties from 24 Dec. 1699, to 25 Dec. 1702, *but the word (thouſand) being omitted is ſupplied by* 10 *W.* 3. 2.

on tobacco 2d. halfp. per lb. Muſlin, callico, linnen (Scotch excepted) 6d. per ell. Scotch cloth 6d. per yard, Wines (except Spaniſh) 3l. per tun.

to be raiſed and and paid as by 14 & 15 *C.* 2. 8. for ſettling the exciſe,

according to the book of rates thereunto annexed.

III. Provided always, and be it further enacted by the authority aforeſaid, That the merchant or other importer of any tobacco ſo charged as aforeſaid with the ſaid additional duty of one penny *per* pound weight until the twenty fifth of December one thouſand ſix hundred and ninety nine, and with the additional duty of two pence half penny *per* pound from that time till the fifth of December one thouſand ſeven hundred and two, ſhall have like time for payment of ſuch additional duty and duties, as they had or ought to have by vertue of the above-named act of exciſe or new impoſt; any thing herein contained to the contrary notwithſtanding.

Importers of tobacco ſhall have like time for payment of ſaid additional duties as by ſaid ſtat. of exciſe.

IV. And be it further enacted, That from and after the twenty fourth day of December, which will be in the year one thouſand ſix hundred ninety eight, there ſhall be throughout this his Majeſty's kingdom of Ireland raiſed, levied, collected and paid unto his Majeſty, his heirs and ſucceſſors, unto the twenty fifth day of December, which will be in the year of our Lord God one thouſand ſeven hundred and two, for beer, ale, and other liquors hereafter expreſſed, by way of exciſe, over and above all other duties, charges, and impoſitions thereout then payable, the exciſe or duty hereafter following: (that is to ſay) for every thirty two gallons of beer or ale above ſix ſhillings the barrel price brewed within this kingdom by the common brewer, or in his veſſels, or by any other perſon or perſons who doth or ſhall ſell beer or ale publickly or privately, to be paid by the

Additional duty from 24 Dec. 1698 to 25 Dec. 1702, on beer or ale above 6s. per barrel by the common brewer 1s. 6d. every 32 gallons,

and 3d. for ale or beer of 6s. the barrel or under.

common brewer, or by ſuch other perſon or perſons reſpectively, one ſhilling and ſix pence; and ſo proportionably for a greater or leſſer quantity, over and above the duties payable for the ſame if this act had not been made; and for every thirty two gallons of beer or ale of ſix ſhillings the barrel price, or under, brewed by the common brewer, or other perſon or perſons, who doth or ſhall ſell beer or ale publickly or privately, to be paid by the common brewer, or by ſuch other perſon or perſons reſpectively, for a greater or leſſer quantity, three pence, over and above what would be payable for the ſame if this act had not been made.

On *aquavitæ*, ſtrong waters and potable ſpirits, additional duty for four years of three pence per gallon, whether made of foreign or domeſtick materials.

V. And be it further enacted by the authority aforeſaid, That from and after the twenty fourth day of December, in the year of our Lord God one thouſand ſix hundred and ninety eight, there ſhall be throughout this his Majeſty's kingdom of Ireland raiſed, levied, collected, and paid unto his Majeſty, during the aforeſaid ſpace and term of four years, ending on the twenty fourth day of December one thouſand ſeven hundred and two, an additional duty or exciſe of three pence upon every gallon of *aquavitæ*, ſtrong-waters, and balcon or other potable ſpirits, made or diſtilled in this realm for ſale, whether of foreign or domeſtic ſpirits, or materials; the ſame to be paid by the firſt maker or diſtiller thereof, and ſo proportionably for a greater or leſſer quantity, over and above all other the duties that would have been payable for the ſame if this act had not been made.

To be paid by the diſtiller.

To be levied as by act of exciſe 14 *C.* 2. 8.

VI. And be it further enacted by the authority aforeſaid, That the ſeveral rates and duties of exciſe, hereby granted on the ſeveral liquors aforeſaid, ſhall be raiſed, levied, collected, recovered, and paid unto his Majeſty in the ſame manner and form, and by ſuch ways and means, and under ſuch penalty and penalties, and forfeitures as are mentioned, and expreſſed, and directed for the collecting, gathering, and recovering of the ſeveral duties of exciſe, in and by the ſaid act of exciſe, or new impoſt, made in the fourteenth year of the late King Charles the ſecond, intituled, *An act for ſettling of the exciſe, or new impoſt, upon his Majeſty, his heirs and ſucceſſors, according to the book of rates therein inſerted*, or by any other law now in force, with the like liberty of appeal to and for the parties grieved, as in and by the ſaid former act is reſpectively provided.

Beer and ale ſhall be aſſized with regard to the ſaid additional duty.

VII. And be it further enacted by the authority aforeſaid, That no innkeeper, victualler, or other retailer of beer or ale, at any time hereafter, during the continuance of the aforeſaid additional duties on beer and ale by this act impoſed, ſhall be ſued, impleaded, or moleſted by indictments, informations, actions, or otherwiſe, for ſelling and uttering of beer and ale, at any other and higher prices, than the prices heretofore limited and appointed; but that all officers, and other perſons concerned in aſſizing of beer and ale throughout this kingdom, ſhall take care to aſſize the ſame with regard to the additional charge or duty aforeſaid.

All merchants, &c. within four days after firſt November 1697, if in Dublin, in other places within ten days, ſhall deliver in account to commiſſioners of exciſe on oath of all tobacco in their poſſeſſion, or in truſt for them.

VIII. And be it further enacted and ordained by the authority aforeſaid, That all and every merchant, importer, ſhop-keeper, retailer, or other perſon or perſons inhabiting or trading within the city of Dublin, and all other towns corporate, ports, and all other places of this kingdom do within the ſeveral times hereinafter mentioned, (that is to ſay) in the city and ſuburbs of Dublin, within four days after the firſt day of November one thouſand ſix hundred ninety ſeven, and in all other places within ten days after the firſt day of November one thouſand ſix hundred ninety ſeven, make and deliver under his or their hands to the commiſſioners of exciſe for the time being, their ſub-commiſſioners, collectors, or other chief officers of exciſe, of the diſtrict, in which he or they live or inhabit, a true and perfect account of all tobacco remaining in the poſſeſſion of every ſuch merchant, ſhop-keeper, retailer, or other perſon whatſoever; or in the poſſeſſion of any other, to his or their uſe, at the reſpective times aforeſaid; and ſhall likewiſe make oath before the ſaid commiſſioners, ſub-commiſſioners, collectors, or other chief officer as aforeſaid (who, or any of them, hereby are authorized to

adminiſter the ſame) that the account by him or them given, is a true, juſt, and perfect account of all the tobacco in his poſſeſſion, or in the poſſeſſion of any other in truſt for him, or them; and the ſaid commiſſioners of exciſe, or their ſaid ſub-commiſſioners, collectors, or other chief officer reſpectively, are hereby charged and required to ſend one or more officer or officers, to enter into the cellar, vault, ſtore-cellar, ſtore-houſe, ware-houſe, or other place or places whatſoever, to any merchant or other perſon in this kingdom belonging, to ſearch, ſee, and try, whether the quantity of tobacco do not exceed ſuch account given under hand as aforeſaid; and if the ſame ſhall be found to agree, that then the duty of one penny *per* pound ſhall be immediately paid down at the uſual allowance of imported exciſe or bonds with ſufficient ſecurity, be immediately paſſed to his Majeſty for payment of the ſame in three months time; and in caſe any merchant, or other perſon lyable to give an account as aforeſaid, ſhall neglect, omit, or refuſe to make and deliver in ſuch an account at the time aforeſaid, or elſe making and delivering in ſuch account ſhall not upon demand thereof by ſuch officer or officers as ſhall be thereunto appointed, ſuffer him or them to enter into his or their houſe or houſes, ware-houſe, ſtore-cellar, ſtore-houſe, vaults, or any place or places to him or them belonging; or admitting them as aforeſaid, ſhall hide, conceal, or not ſhew all and every his and their vaults, ſtore-houſes, ware-houſes, and other places, or ſhall make a ſhort return of any tobacco to him or them belonging, or conceal it from view of the officer or officers appointed to ſearch for and view the ſame, ſhall for every ſuch offence forfeit five pounds *ſterling*, over and above ſuch quantity or quantities of tobacco, as ſhall be found to exceed ſuch his account returned under his or their hand or hands; the one moiety to his Majeſty, his heirs and ſucceſſors, and the other moiety to the informer; the ſaid penalties and forfeitures to be proſecuted, recovered, and condemned in the ſame manner, and according to the methods preſcribed in the ſaid act for ſettling the new exciſe, or impoſt upon the ſaid late King Charles the ſecond.

Commiſſioners, &c. to enter and ſearch,

If the account agrees with the quantity found, the duty of one penny *per* pound to be immediately paid, with the uſual allowance, on ſecurity in three months.

Penalty on merchants not giving account or concealing, or not ſuffering ſearch, or making ſhort return, 5l. beſides the quantity exceeding the account.

To the King and informer, to be recovered as by ſaid act of exciſe.

IX. And be it further enacted, that whatſoever ſum or ſums of money the ſaid aid, or additional duty, ſhall yield unto his Majeſty, over and above the ſum of fifty thouſand pounds *ſterling*, immediately and in the firſt place payable unto his Majeſty, be and ſhall be paid and applied to the ſeveral uſes following, and to no other uſe whatſoever: (that is to ſay) the ſum of twenty-five thouſand pounds, which ſhall be firſt raiſed, levied, and received out of the aid aforeſaid, over and above the ſaid ſum of fifty thouſand pounds, ſhall be employed in, and applied to the building of barracks for ſoldiers in the moſt uſeful, convenient, and neceſſary parts and places in this kingdom, according to the directions of the chief governor or governors for the time being; which barracks ſhall be forthwith begun, and carried on from time to time, as faſt as any part of the ſaid ſum of twenty-five thouſand pounds allotted for the building thereof ſhall come in, and be received out of the ſaid additional duties, or aid, granted to his Majeſty by this preſent act. And we humbly beſeech your Majeſty, that your Majeſty will be graciouſly pleaſed to accept of the further ſum of twenty-one thouſand and twenty-ſeven pounds, three ſhillings and ſix pence half-penny, to be raiſed and levied out of the ſaid additional cuſtoms or duties by this preſent act granted unto your Majeſty, in full diſcharge of the arrears of quit-rent, crown-rent, and compoſition-rent, due to your Majeſty out of the houſes and lands that were returned to be waſte, from the five and twentieth day of March one thouſand ſix hundred and ninety two, to the twenty-fifth of March one thouſand ſix hundred ninety-five; the collection whereof was reſpited, upon the humble application of your Majeſty's ſubjects the commons of Ireland in Parliament aſſembled.

Said additional duty, after paying 50000l. to the King in the firſt place, to be applied to uſes following.

25000l. in building barracks according to directions of chief governors, 10 *W.* 3. 4.

and 21027l. 3s. 6d. half penny to be paid to the King in diſcharge of ſaid arrears of quit, crown and compoſition rent.

X. And

X. And be it further enacted, That the ſeveral lands, tenements, and hereditaments, returned to have been waſte from the twenty fifth of March one thouſand ſix hundred ninety two, to the twenty fifth day of March one thouſand ſix hundred ninety five, and reſpited as aforeſaid, ſhall be and always hereafter ſhall be taken, deemed, and adjudged to be free and diſcharged of and from all quit-rents, crown-rents, and compoſition-rents, and of and from all arrears thereof contracted, incurred, or become due between the ſaid twenty-fifth day of March one thouſand ſix hundred ninety two, to the twenty fifth of March one thouſand ſix hundred ninety five inclusive: and that no perſon or perſons whatſoever hereafter ſhall be diſtrained or otherwiſe ſued, vexed, proceſſed, or impleaded for or on account for the ſame, or any part whatſoever thereof; and that no officer or other perſon whatſoever do diſtrain or iſſue any proceſs for the ſame, or any part thereof, under the pain and penalty of paying to the perſon grieved thereby double coſts and double damages for ſuch unjuſt ſuit, moleſtation, or vexation.

2 *Anne* 4. and the lands returned waſte from 25 March 1692, to 25 March 1695, ſhall be diſcharged of ſaid arrears.

Perſons ſued for the ſame, ſhall have double coſts and damages.

XI. And to the end the arrears of quit-rents, crown-rents, and compoſition-rents, hereby intended to be diſcharged, may be aſcertained; be it further enacted by the authority aforeſaid, That the commiſſioners of his Majeſty's revenues, from the books and other papers, which have been tranſmitted to them from the collectors and other officers of his Majeſty's revenues before the one and twentieth day of Auguſt one thouſand ſix hundred ninety ſeven, wherein any ſuch rents are mentioned to be reſpited, as being charged upon any houſes or lands that are waſted, ſhall make a particular account in writing of all ſuch arrears ſo reſpited for the time aforeſaid, in caſe they do not exceed twenty one thouſand twenty ſeven pounds, three ſhillings and ſix pence halfpenny; and if they do exceed twenty one thouſand twenty ſeven pounds, three ſhillings and ſix pence halfpenny, then an apportionment ſhall be made of the ſaid rents, ſo that the ſaid account ſhall not exceed in the whole twenty one thouſand twenty ſeven pounds, three ſhillings and ſix pence halfpenny: and that the ſaid commiſſioners ſhall deliver the ſaid account into the office of the auditor-general before the twenty fifth day of March one thouſand ſix hundred ninety eight, to which all perſons concerned ſhall have free acceſs without fee or charge.

That ſaid arrears may be aſcertained, the commiſſioners from the collectors books ſhall make particular account in writing of ſuch arrears reſpited,

and if above ſaid ſum, an apportionment,

and deliver it to the auditor general before 25 March 1698, to which there ſhall be free acceſs.

XII. And it is hereby provided and enacted, That nothing in this act contained ſhall extend to diſcharge any arrears of quit-rents, crown-rents, or compoſition-rents, charged on any houſes or lands for being waſted, unleſs ſuch particular arrear be contained in the ſaid account of arrears, to be diſcharged as aforeſaid. And in caſe the ſaid commiſſioners ſhall refuſe or neglect to make and deliver into the auditor's office the ſaid account within the time aforeſaid, they, and every of them, ſhall forfeit treble damages to every perſon who ſhall be grieved by ſuch neglect or refuſal; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record at Dublin, in which no eſſoyn, protection, wager of law, or more than one imparlance ſhall be allowed; any thing herein contained to the contrary notwithſtanding. And if any perſon or perſons ſhall be hereafter impleaded or moleſted, contrary to the ſcope or intent of this act, that ſuch perſon or perſons ſhall not be obliged to diſcharge himſelf by plea or record from ſuch charge, but ſhall be admitted to diſcharge himſelf by motion in his Majeſty's court of Exchequer, without any charge, fee, or reward, and by ſhewing unto the ſaid court this preſent act, and making it appear by affidavit and certificate of the auditor-general, that the quit-rent, crown-rent, or compoſition-rent, for which he is diſtrained, ſued, or impleaded, became due between the twenty fifth of March one thouſand ſix hundred ninety two, and the twenty fifth of March one thouſand ſix hundred ninety five inclusive, out of houſes or lands returned waſte as aforeſaid before mentioned, and are mentioned and comprehended in ſuch account tranſmitted to the auditor-general to be charged upon waſte lands, and for that reaſon reſpited as aforeſaid; which certificate the auditor-general ſhall be obliged to give on demand to the perſon requiring the ſame, without fee or reward.

No arrears diſcharged, unleſs contained in ſaid account.

Commiſſioners neglecting, forfeit treble damages to party grieved.

Perſons impleaded contrary to this act, may be diſcharged by motion in Exchequer on affidavit and certificate of auditor general.

Given without fee.

A. D. 1697.

After payment of said sums, the remainder levied by this act shall be paid to uses following,

XIII. And be it further enacted, That from and after the time that the said sums of fifty thousand pounds, and twenty five thousand pounds, and twenty one thousand pounds, and twenty seven pounds three shillings and six pence half-penny, shall have been levied and paid unto his Majesty out of the present aid or additional custom granted unto his Majesty by this present act, that what other or further sums shall and may be levied and collected by virtue thereof, shall and may be paid and applied to the use following: that is to say, whereas Sir Audley Mervin knight, prime serjeant to his Majesty King Charles the second, was in his life time speaker of the house of commons in the Parliament which began in this kingdom in the year one thousand six hundred and sixty one, and continued so till the dissolution of the said Parliament in the year one thousand six hundred and sixty six, during which time the said Sir Audley Mervin not only spent great part of his fortune in supporting the state and dignity of that honourable employment, but wholly declined his practce at the bar, which was very considerable; and whereas the said house of commons humbly addressed themselves to the government in behalf of the said Sir Audley Mervin, for the sum of six thousand pounds *sterling*, to be bestowed on him for his great services done to his Majesty and the English interest in this kingdom in that station, of which sum however he never received any part; so as the said Sir Audley Mervin was forced to charge his real estate with great sums of money for portions and otherwise, and the same hath been and still is greatly incumbred with debts; that the sums that shall be levied as aforesaid, after the payment of the said sums of fifty thousand pounds, twenty five thousand pounds, and twenty one thousand twenty seven pounds, three shillings six pence half penny, be applied and paid as followeth, *viz.* three thousand pounds thereof to Audly Mervin esquire, eldest son of Henry Mervin esquire, son and heir of the said Sir Audley Mervin, and the other three thousand pounds to be equally divided between Hugh Mervin and George Mervin esquires, younger sons of the said Sir Audley Mervin: and also, that after the payment of the said sum of six thousand pounds, that the further sum of six hundred pounds *sterling* shall and may be levied, collected, and paid over, out of the said aid or additional custom or duties, unto Richard Warburton of Garryhinch in the Queen's county, esquire, being a sum due to the said Richard Warburton for services by the said Richard Warburton performed during the said Parliament, which began in this kingdom in the year of our Lord God one thousand six hundred sixty and one.

6000l. to sons of Sir Audley Mervin, prime serjeant to K. *C.* 2. and speaker of the house of commons from 1661 to 1666.

and 600l. to Rich. Warburton for his services during the parliament in 1661.

CHAP. V.

An Act to hinder the Reversal of several Outlawries and Attainders, and to prevent the Return of Subjects of this Kingdom who have gone into the Dominions of the French King in Europe.

Kings of England by undoubted right Kings of this realm,

FORASMUCH as by the laws of this kingdom the Kings and Queens of England are by undoubted right Kings and Queens of this realm, and ought to enjoy the title, majesty, power and authority of Kings and Queens of the same; yet nevertheless, Richard late earl of Tyrconnel, formerly lord deputy, and chief governour of this kingdom, by vertue of a commission from the late King James, Donogh late earl of Clancarty, William late Earl of Limerick, Ulick late lord viscount Galway, Pierce late lord viscount Galmoy, Sir Valentine Browne, Garrott Dillon Esquire, late prime serjeant to the late King James, Sir

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Richard Nagle, late attorney general to the ſaid King James, and diverſe other wicked and ill-diſpoſed papiſts, contrary to their allegiance and duty, did utterly refuſe to ſubmit to your Majeſty's government; he the ſaid late earl of Tyrconnel, after your Majeſty's happy acceſſion to the imperial crown of England, continuing to act as lord deputy, and chief governor of this kingdom, in derogation to your Majeſty's royal authority, and in oppoſition thereunto, and with the advice and aſſiſtance of them the ſaid Donogh late earl of Clancarty, William late earl of Limerick, Ulick late lord viſcount Galway, Pierce late lord viſcount Galmoy, Sir Valentine Browne, Garrott Dillon Eſquire, Sir Richard Nagle, and others as aforeſaid, raiſing forces to oppoſe your Majeſty and your government; and they with many other Iriſh papiſts who were in arms, utterly refuſed to accept of the grace and favour extended to them by your Majeſty's royal proclamation, bearing date the two and twentieth day of February in the firſt year of the reign of your Majeſty and your royal conſort the late Queen of bleſſed memory, but on the contrary countenanced and encouraged the late King James to ſummon ſeveral of the inhabitants of this kingdom to meet and aſſemble in this your Majeſty's city of Dublin, as a Parliament; and they with others made ſeveral pretended acts and ordinances, which they termed acts of Parliament, under the authority of the late King James, in the month of May one thouſand ſix hundred eighty nine, and thereby attainted many thouſands of his Majeſty's good proteſtant ſubjects of this kingdom of high treaſon, for adhering to your Majeſty and her late Majeſty, and ſeveral other pretended acts and ordinances, in derogation to your Majeſty's undoubted right, and encouraged many of your Majeſty's ſubjects to riſe in arms, and levy war againſt your Majeſty, brought into this kingdom great numbers of the French King's ſubjects, your Majeſty's open enemies, to their aſſiſtance; murthered and deſtroyed ſeveral thouſands of your Majeſty's good proteſtant ſubjects of this kingdom, for no other reaſon but for their being of the proteſtant religion, and adhering to your Majeſty and her late Majeſty your royal conſort, and encouraged an unnatural rebellion throughout this kingdom, which by the goodneſs of Almighty God, by the great expence of the treaſure of England, and the blood of England and this kingdom, and the extreme hazard of your Majeſty's ſacred perſon, is reduced to your Majeſty's obedience, and this your kingdom ſettled in perfect peace; notwithſtanding which many of your Majeſty's Iriſh papiſt ſubjects have engaged with your Majeſty's enemies, and ſeveral thouſands of them are actually in the French King's ſervice againſt your Majeſty: may it pleaſe your Majeſty that it may be enacted,

yet ſeveral perſons (particularly named) refuſed to ſubmit to their Majeſty's government,

and with Iriſh papiſts in arms, encouraged King James to ſummon a pretended parliament at Dublin, and made ſeveral acts and ordinances in May 1689,

encouraged the rebellion, and brought in many of the French King's ſubjects, and deſtroyed ſeveral thouſands of proteſtants,

and notwithſtanding the ſuppreſſing of the ſame and the kingdom's being ſettled in peace, many

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Irish papiſt ſubjects are engaged in ſervice of the King's enemies.

Enacting part.

and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That all and every the convictions, outlawries and attainders in this kingdom of any perſon or perſons whatſoever for high treaſon or rebellion, by him or them committed or done, not reverſed or pardoned before the twenty ſeventh day of July one thouſand ſix hundred ninety ſeven, other than the convictions, outlawries, and attainders of perſons already adjudged to be comprehended within the articles of Limerick or Galway, or either of them, who have not yet reverſed their outlawries and attainders, and other than the outlawries and attainders of ſuch, who within the ſpace of two years, to be accounted from the firſt day of September one thouſand ſix hundred ninety ſeven, ſhall be adjudged to be comprehended within the ſaid articles, or any of them, ſhall be and remain ſufficient and effectual in law for ever, to all intents and conſtructions and purpoſes; any error, inſufficiency, or other defect in form or matter in them, or any of them, to the contrary notwithſtanding: and that no judgment upon any writ of error or plea, nor any pardon from his Majeſty, his heirs or ſucceſſors, ſhall any wiſe operate to the prejudice or to the invalidating of ſuch conviction, outlawry, and attainders, except ſuch as are herein before excepted; any law, uſage, or cuſtom to the contrary notwithſtanding.

Convictions, outlawries, & attainders for high treaſon or rebellion not reverſed or pardoned before 27th July 1697 (except thoſe comprehended in the articles of Limerick or Galway) ſhall be effectual, notwithſtanding any defect in form or matter,

and not invalidated by any judgment, plea, or pardon from the King.

II. And be it further enacted by the authority aforeſaid, That all and every papiſt and papiſts, or reputed papiſt or papiſts, that have been guilty of the ſaid rebellion in this kingdom againſt his Majeſty and her late Majeſty the Queen, and who, by any inquiſition already taken by the oaths of twelve good and lawful men, and returned, or that ſhall be taken by the oaths of twelve good and lawful men, and returned within the ſpace of two years, from the firſt day of September one thouſand ſix hundred ninety ſeven, hath, have, or ſhall be found to have died or been ſlain in their ſaid actual rebellion before the third day of October one thouſand ſix hundred ninety one, ſhall by authority of this act be convicted and attainted of high-treaſon, and ſhall incur the penalties and forfeitures that traitors, attainted by the ordinary courſe of proceedings in caſes of high-treaſon by the laws of this realm now in being, ought to ſuffer and undergo.

Papiſts, or ſo reputed, guilty of the rebellion, and found, or who in two years from 1ſt September 1697, ſhall be found, by inqueſt of 12, to have died therein before 3d October 1691, convicted and attainted of high treaſon.

III. And be it further declared and enacted, That whereſoever any ſuch papiſt or papiſts heretofore have been found to have been ſlain, or to have died in the ſaid rebellion againſt his Majeſty and her late Majeſty the Queen, before the third day of October one thouſand ſix hundred and ninety one, by inqui-

Such papiſts heretofore ſo found to have died in rebellion, incur all forfeitures from the time,

ſition

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fition taken upon the oaths of twelve or more good and lawful men of the county, where ſuch papiſt or papiſts have committed ſuch rebellion and treaſon; that the ſaid papiſt or papiſts, or reputed papiſt or papiſts, ſo found to have been ſlain, or to have died in rebellion againſt his Majeſty and her late Majeſty the Queen, ſhall at all times hereafter be adjudged and deemed, and is and are hereby declared to be traytors attainted, to all intents and purpoſes; and to have incurred all ſuch penalties and forfeitures of eſtate real and perſonal, from the time he or they ſhall by ſuch inquiſition be found to have committed or been guilty of the ſaid rebellion and treaſon, as if he or they had been attainted of any ſuch rebellion and treaſon by judgment upon verdict, or outlawry.

as if attainted by judgment on verdict or outlawry.

IV. Provided always, That nothing in this act contained, as for and concerning the forfeiture of ſuch papiſt or papiſts, or reputed papiſt or papiſts, that died or were ſlain in actual rebellion before the third day of October one thouſand ſix hundred and ninety one, ſhall extend, or be conſtrued to extend to the prejudice of any perſon or perſons being of the proteſtant religion, or profeſſing to be of the proteſtant religion, the tenth day of April, in the year of our Lord God one thouſand ſix hundred and eighty nine, who hath continued ſo from that time hitherto, or till the time of his or their death, claiming or deriving any titles of honour by immediate deſcent from ſuch papiſt or papiſts as aforeſaid, or who have or had any eſtates real or perſonal by deſcent, or purchaſe *bona fide* made, or who have any real incumbrances on ſuch papiſt or papiſts eſtates, for valuable conſiderations from or by ſuch papiſt or papiſts as aforeſaid dead or ſlain in rebellion, or from his or their heirs, executors, adminiſtrators, or aſſigns, at any time ſince the treaſon committed and done, and before the ſixth day of June in the year of our Lord God one thouſand ſix hundred and ninety ſeven; but that ſuch perſon or perſons, being of the proteſtant religion, in manner as aforeſaid, ſhall and may have, hold, and enjoy, all and every his and their title and titles of honour come to them reſpectively by the death of ſuch papiſt or papiſts as aforeſaid, dead, or killed in the ſaid rebellion; as alſo all and every the rights, titles, and intereſts, by deſcent, purchaſe, or real incumbrance, from or by ſuch papiſt or papiſts, or reputed papiſt or papiſts ſo dead, or killed in rebellion, or from his and their heirs, executors, adminiſtrators, and aſſigns, or any of them, at any time ſince the ſaid rebellion committed and done, and before the ſixth day of June aforeſaid; any thing in this act to the contrary notwithſtanding.

Not to prejudice proteſtants, or ſo profeſſing 10th April 1689, and ſo continuing, and claiming or deriving under ſuch papiſts; but that they ſhall enjoy all titles of honour, rights, titles and intereſt by deſcent, purchaſe, or real incumbrances.

V. And be it further declared and enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord

Lord Chancellor, &c. in two years from 1ſt September

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lord chancellor, lord keeper, or commiſſioners of the great ſeal of this kingdom for the time being, at any time within two years, to be accounted from the firſt day of September one thouſand ſix hundred and ninety ſeven, to iſſue one or more commiſſion or commiſſions into all or any of the counties of this kingdom, to be directed to the eſcheator or eſcheators of ſuch county or counties, or to his or their deputy or deputies lawfully authorized, or to ſuch other good and lawful men as it ſhall ſeem meet to appoint commiſſioners, whereof one of the judges of the King's Bench or Common Pleas, or one of the barons of his Majeſty's court of Exchequer, ſhall be always one, to enquire by the oaths of twelve or more good and lawful men of the ſaid county or counties, what perſon or perſons of the popiſh religion have died or were ſlain in the ſaid rebellion againſt his Majeſty and her late Majeſty the Queen, before the ſaid third day of October one thouſand ſix hundred and ninety one, and what eſtate or eſtates real or perſonal ſuch perſon or perſons of the popiſh religion as aforeſaid, ſo dying, or ſo killed, was or were ſeized or poſſeſſed of, in uſe, truſt, poſſeſſion, reverſion, or remainder, in ſuch county where ſuch enquiry ſhall be made, and ſuch commiſſion executed, at the time of the committal of ſuch rebellion or treaſon, or at any time after the ſame; in every of which commiſſions there ſhall be a clauſe inſerted, requiring the ſaid commiſſioners to give publick notice in the chief town of each county of the time and place, appointed for the execution of ſuch commiſſion, twenty days at leaſt before the ſame ſhall be executed.

1697, to iſſue commiſſions into all counties to eſcheators, &c. (in which one of the judges of B. R. C. B. or of the barons of Exchequer, ſhall be always one) to inquire by oaths of 12 or more, what papiſts have ſo died, and what eſtates they had.

Said commiſſioners to give 20 days publick notice in each county town.

VI. Provided always, That it ſhall and may be lawful to and for any perſon or perſons, claiming as heir general, or as heir, or iſſue tail, or as executor, adminiſtrator, or aſſignee, to whom reſpectively the title or titles of honour, or the eſtate real or perſonal, of the perſon ſo found to have died or to have been killed in rebellion, could have come, but for the inquiſition aforeſaid found, or to be found, and to and for any other perſon or perſons, bodies politick or corporate, who ſhall be aggrieved by ſuch inquiſition, to put in his or their traverſe or traverſes, denying that ſuch perſon or perſons died, or was or were ſlain in rebellion, or to put in any other, his, or their traverſe or traverſes to any matter or thing contained in ſuch inquiſition, within one year next after the ſaid firſt day of December one thouſand ſix hundred and ninety ſeven, or within one year next after the returning and filing of record of ſuch inquiſition as aforeſaid, at the election of the perſon aggrieved; and if the traverſe ſo to be entred and taken, ſhall be tried, and the jury that ſhall try the ſame, ſhall find contrary to the ſaid inquiſition,

Perſons aggrieved by ſuch inquiſition, may put in a traverſe in a year after 1ſt December 1697, or after returning and filing ſuch inquiſition,

and if the jury upon trial find contrary to the inquiſition, it ſhall be void, and the traverſers reſtored.

quiſition, then, and in ſuch caſe, ſuch inquiſition ſhall become void and of none effect in law; and the ſaid traverſer and traverſers ſhall enjoy ſuch his or their title or titles of honour, and be reſtored and put into poſſeſſion of ſuch eſtate real or perſonal, as would to him or them have deſcended, remained, or come by courſe of law, in the ſame manner as if no ſuch inquiſition had been found; any thing herein contained to the contrary notwithſtanding: and if verdict ſhall be given againſt the traverſer upon any plea of traverſe as aforeſaid, or if judgment ſhall paſs againſt ſuch traverſer for inſufficiency of ſuch his traverſe, or if he ſhall fail to proceed to try the ſaid iſſue of traverſe within one year next after ſuch traverſe ſhall be filed, the ſaid inquiſition and finding ſhall at all times hereafter ſtand, be, and remain firm and valid, and be no way impeached, annulled, or ſet aſide; any law, cuſtom, or ſtatute to the contrary notwithſtanding. Saving and excepting hereout women *covert de baron*, perſons within the age of twenty one years, perſons in priſons, perſons out of this realm, (elſewhere than in the dominions of the French King in Europe,) and alſo all perſons of *non ſane* memory; all and ſingular which ſaid perſons, by the authority aforeſaid, ſhall have their and every of their right and title reſerved and ſaved to them and their heirs, executors, and adminiſtrators reſpectively, unto the time that they be and come of their full age of one and twenty years, out of priſon, within this land, uncovert, and of whole mind; and the ſame traverſer or traverſers may take and purſue within one year after their coming of full age of twenty one years, out of priſon, within this land, uncovert, of whole mind: and alſo be it enacted by the authority aforeſaid, That all ſuch perſons as be *covert de baron*, and every perſon within the age of twenty one years, in priſon, or out of this land, or of *non ſane* memory, at the time of taking of the ſaid inquiſition, and by this act as aforeſaid accepted, that they or their heirs, executors, adminiſtrators, or aſſigns, according to their reſpective rights and intereſt, may take his or their traverſe or traverſes, within one year next after they reſpectively come and be of the age of twenty one years, out of priſon, uncovert, within this land, and of *ſane* mind; and if they do not take their traverſe or traverſes within the ſaid year, and according to the limitation, method, and direction of this act as aforeſaid, that then they, and every of them, and their heirs, executors, adminiſtrators, and aſſigns, according to their reſpective rights and intereſts, are and ſhall be concluded by the ſaid inquiſition and finding; any thing in this act to the contrary notwithſtanding.

If verdict or judgment againſt traverſers, or if he proceeds not within a year, the inquiſition ſhall remain valid.

Saving the right and title of *femes coverts*, infants, perſons in priſon, or out of the realm (except in France) and of *non ſane* memory, till diſability removed,

and they may purſue their traverſe in a year after:

if they do not, concluded by the inquiſition.

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VII. And for the preſervation of the peace and quiet of this kingdom, be it enacted by the authority aforeſaid, That if any perſon or perſons, being his Majeſty's ſubject or ſubjects, who have gone out of this kingdom at any time ſince the tenth day of April one thouſand ſix hundred and eighty nine, during the late war with France, into France, or any of the French King's dominions in Europe, other than ſuch as have gone thither by his Majeſty's particular licence of command, ſhall, from and after the twenty third day of October one thouſand ſix hundred and ninety ſeven, voluntarily come or return from France, or any of the French King's dominions in Europe, into this kingdom, without his Majeſty's, his heirs or ſucceſſors, licence or leave under the great ſeal of this kingdom, and that alſo ſubject to the reſtrictions and limitations herein after mentioned and expreſſed, for that purpoſe had and obtained, and be thereof convicted by due courſe of law; every perſon ſo offending ſhall be taken, deemed, and adjudged to be guilty of high treaſon, and ſhall ſuffer ſuch penalties as in caſes of high treaſon, and ſhall and may be indicted and tried for the ſame, in ſuch county of this realm, as his Majeſty, his heirs and ſucceſſors, by his or their commiſſion under the great ſeal of this kingdom ſhall appoint.

Subjects, who ſince 10 April 1689, have gone into France without licence, and ſhall after 23d October 1697, return without licence under great ſeal, &c. upon conviction guilty of high treaſon.

VIII. And be it further enacted and declared, That no licence as aforeſaid, ſhall be good and valid to any ſuch perſon or perſons, wherein the true name and ſurname, and place of abode of ſuch perſon or perſons, where he or they reſided or dwelt in Ireland, when he or they dwelt or reſided in this kingdom, is not mentioned and expreſſed; and that no licence as aforeſaid ſhall be valid or effectual to any more perſons therein contained, than the three firſt named, in caſe there ſhall be more than three named in one licence: and that before any ſuch licence ſhall paſs the great ſeal of this kingdom, the lord chancellor, lord keeper, or lords commiſſioners of the great ſeal of this kingdom for the time being, are reſpectively hereby directed, required, and impowered to take ſufficient ſecurity by recognizance for any ſum not under one hundred pounds, to be forthwith filed of record in the high court of Chancery in this kingdom, that each party ſo to be licenced as aforeſaid ſhall annually pay, during his reſidence and abode in this kingdom, to the biſhop of the dioceſs where ſuch perſon ſhall reſide whilſt in this kingdom, the ſum of forty ſhillings for the benefit and advantage of ſuch ſchool or ſchools as the ſaid biſhop ſhall think moſt in want of ſupport and maintenance in the ſaid biſhop's dioceſs: upon failure and payment whereof, it ſhall and may be lawful to and for the biſhop of the ſaid dioceſs to proſecute and recover the ſaid ſum in the ſaid recognizance mentioned, and the ſame to lay out and

Licence not valid, where the name, ſurname, and place of abode in Ireland, not expreſſed.

Nor to more than three firſt named in one licence.

Before licence granted, lord chancellor ſhall take recognizance for 100*l.* to be filed in chancery, that the party ſhall, during reſidence here, pay 40*s.* yearly to biſhop of the dioceſe for a ſchool,

on failure the biſhop may recover the ſum in recognizance, and lay it out with

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and diſpoſe of with the approbation of the lord chancellor, lord keeper, or lords commiſſioners of the great ſeal of this kingdom for the time being, for the benefit and advantage of ſuch ſchool or ſchools in the ſaid dioceſs.

approbation of lord chancellor for ſuch ſchool.

IX. And be it further enacted by the authority aforeſaid, That all and every of his Majeſty's ſubjects, who at any time ſince the third day of October one thouſand ſix hundred and ninety one hath or have returned out of France, or out of any of the French King's dominions in Europe into this kingdom, ſhall on or before the firſt day of May one thouſand ſix hundred ninety eight, ſurrender him or themſelves to ſome one of the judges of his Majeſty's court of King's Bench or Common Pleas, or to ſome one of the barons of his Majeſty's court of Exchequer, and, being of the age of ſixteen years, take the oath of allegiance mentioned in an act made in England in the third year of his preſent Majeſty and the late Queen Mary, intituled, *An act for the abrogating the oath of ſupremacy in Ireland, and appointing other oaths*, and enter into recognizance with ſufficient ſureties for his or their good behaviour for one year thence to come, which ſaid ſeveral recognizances ſhall be returned into his Majeſty's court of King's Bench within three months next after they ſhall be taken, or ſhall enter into ſuch ſecurity as the ſaid judges or barons reſpectively ſhall think fit to require, that he, ſhe, or they, unleſs licenced in manner and form aforeſaid by his Majeſty to continue here, ſhall within twenty days depart this kingdom, and not return into the ſame without ſuch licences aforeſaid. And in caſe any of his Majeſty's ſaid ſubjects ſhall neglect or refuſe to ſurrender him, her, or themſelves, and to take the ſaid oaths, and to give ſuch ſecurity for their good behaviour, or that ſhall not depart this kingdom accordingly, every perſon ſo neglecting or refuſing ſhall incur the danger and penalty of premunire; and every perſon ſo returning without ſuch licence as aforeſaid ſhall incur the danger and penalty of high treaſon, and ſhall ſuffer ſuch pains and penalties as in caſe of high treaſon, and ſhall and may be indicted and tried for the ſame in ſuch county of this kingdom as his Majeſty, by his commiſſion under the great ſeal of this kingdom ſhall appoint.

They who ſince 3d October 1691, returned out of France, ſhall on or before 1ſt May 1698, ſurrender to a judge of B. R. C. B. or baron of Exchequer, and if 16 take the oath of allegiance in ſt. 3 *W. & M.* 2. *Eng.* and give ſecurity for good behaviour for a year, or ſuch as ſaid judges ſhall require to depart in 20 days unleſs licenced, and not to return without ſuch licence.

on pain of premunire.

Perſons returning without ſuch licence, guilty of high treaſon, and may be tried in any county appointed under great ſeal.

X. And be it further declared and enacted by the authority aforeſaid, That all and every the eſtates, rights, titles, and intereſts, either in law or equity, in or to any lands, tenements, or hereditaments, of any perſon or perſons being of the proteſtant religion, or profeſſing to be of the proteſtant religion, on or before the twenty ſeventh day of July one thouſand ſix hundred ninety ſeven, and hath continued ſo from that time hitherto, or till the time of his or their death, ſhall be and remain of ſuch force

Eſtates, rights, &c. of proteſtants on or before 27th July 1697, and who ſo continued, remain of ſuch force as if this act not made.

10 *W.* 3. 16. *the words 27th July 1697, declared to be inſerted by miſtake, and to be conſtrued* 1689.

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force and effect in law or equity reſpectively, and no other, than if this act had not been made; any thing in this act contained to the contrary notwithſtanding.

Savings for ſeveral perſons named, whoſe outlawries may be reverſed as the King ſhall think fit.

James earl of Tyrone,

XI. Provided always, and be it further enacted and declared, at the humble and earneſt requeſt of James earl of Tyrone, That nothing in this act contained ſhall extend, or be conſtrued to extend to confirm the outlawry or outlawries of the ſaid James earl of Tyrone, by the name of James Power of Curraghmore in the county of Waterford eſquire; but that the ſame ſhall be ſubject and liable to ſuch order and directions for reverſal thereof, as his Majeſty ſhall pleaſe to declare touching and concerning the ſame, as if this act had never been made; any clauſe, matter, or thing therein contained to the contrary notwithſtanding.

Lord Kerry and lord Kingſton, who returned from France ſince 3d October 1691, and ſubmitted, excepted out of the act.

XII. And whereas Thomas lord baron of Kerry and John lord baron of Kingſton have both of them been in France ſince the ſaid third day of October one thouſand ſix hundred ninety one, and have alſo ſince that time returned into this kingdom, and ſubmitted themſelves to his Majeſty's obedience and government; be it enacted by the authority aforeſaid, at the humble and earneſt requeſt of the ſaid Thomas lord Kerry and the ſaid John lord Kingſton, That nothing in this act contained ſhall extend, or be conſtrued to extend, to their or any of their prejudice or prejudices, but that they, and each of them, are hereby declared to be excepted out of this act; any thing therein contained to the contrary notwithſtanding.

Lord Lowth who died before 3d October 1691,

XIII. Provided always, That nothing herein contained ſhall extend, or be conſtrued, taken, or expounded to extend to attaint Matthew Plunkett eſq; commonly called lord Lowth, who died during the late rebellion in this kingdom, before the third day of October one thouſand ſix hundred ninety one; any thing in this act contained to the contrary notwithſtanding.

Edmond Keating,

XIV. Provided always, and be it further declared and enacted, That nothing in this act contained ſhall extend, or be conſtrued to extend, to confirm the outlawry or attainder of Edmund Keating of Narramore in the county of Kildare eſquire, nor to abridge or reſtrain his Majeſty's power of pardoning him the ſaid Edmond Keating both as to life and eſtate; any thing contained in this act to the contrary notwithſtanding.

Sir John Bellew. Lord Baltimore, Robert Fielding.

XV. Provided always, and be it enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to confirm the outlawry or outlawries, attainder or attainders, of Sir John Bellew knight, late lord Bellew baron Duleeke, father of Richard Bellew eſquire, Charles lord Baltimore, and Robert Fielding eſquire, or either of them, for any crime or crimes committed or done by them, or either of them,

ſince the fifth day of November one thouſand ſix hundred eighty eight; but that the ſame ſhall be ſubject and liable to ſuch orders and directions for reverſal thereof, as his Majeſty ſhall pleaſe to declare touching and concerning the ſame, as if this act had not been made; any clauſe, matter, or thing therein contained to the contrary notwithſtanding.

Nicholas late lord Carlingford, and John Taafe,

XVI. Provided, That nothing in this act contained ſhall extend, or be conſtrued to extend, to attaint or convict of high treaſon Nicholas late earl of Carlingford, or his brother John Taafe eſquire, or to veſt in or forfeit to your Majeſty, your heirs, or ſucceſſors, any eſtate, right, title, or intereſt in law or equity whatſoever, which they the ſaid Nicholas late earl of Carlingford, or the ſaid John Taafe had, or ought to have had; any thing in this act contained to the contrary notwithſtanding.

Nicholas French,

XVII. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to confirm the outlawry or outlawries, attainder or attainders, of Nicholas French of Abbart in the county of Galway eſquire, for any crime committed or done by him ſince the fifth day of November one thouſand ſix hundred eighty eight, but that the ſame ſhall be ſubject and liable to ſuch orders and directions for reverſal thereof, as his Majeſty ſhall pleaſe to declare touching and concerning the ſame, as if this act had not been made; any clauſe, matter, or thing therein contained to the contrary thereof notwithſtanding.

Lord Athenree,

John Kelly,

XVIII. Provided alſo, That nothing herein contained ſhall extend, or be conſtrued to extend, to confirm the ſeveral outlawries and attainders of Edward lord baron of Athenree, and lieutenant colonel John Kelly, or either of them, for any crime or crimes committed or done by them, or either of them, ſince the fifth day of November one thouſand ſix hundred eighty eight; but that the ſame ſhall be ſubject and liable to ſuch order and directions for reverſal thereof, as his Majeſty ſhall pleaſe to declare touching and concerning the ſame, as if this act had not been made; any clauſe, matter, or thing therein contained to the contrary thereof notwithſtanding.

Richard late lord Tyrone, Theobald late lord Dillon, and Nicholas late lord Nettervil, who died before 3d October 1691,

XIX. Provided always, That nothing herein contained ſhall extend, or be conſtrued, taken, or expounded to extend, to attaint Richard late earl of Tyrone, Theobald late lord viſcount Dillon, and Nicholas late lord viſcount Nettervil, who died during the late rebellion in this kingdom before the third day of October one thouſand ſix hundred ninety one, or any of them; any thing in this act contained to the contrary notwithſtanding.

Edward Geoghegan.

XX. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, any wiſe to confirm the attainders or outlawry of Edward Geoghegan of Caſtletown Kin-

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daleene in the county of Weſtmeath eſq; or to obſtruct or hinder his Majeſty's gracious intentions for the reverſal of the ſame.

This act not to reſtrain the King's power of pardoning, ſo as to ſave the lives only of perſons attainted.

XXI. Provided always, That nothing in this act contained ſhall extend to abridge or reſtrain his Majeſty's power of pardoning any perſon attainted of high treaſon by outlawry or otherwiſe, ſo as to ſave the lives only of ſuch perſon or perſons.

Pat. Sarſfield the elder,

XXII. And whereas Patrick Sarsfield the elder, late of Lucan eſq; deceaſed, ſtands indicted and outlawed for high treaſon committed againſt his preſent Majeſty and her late Majeſty Queen Mary: be it enacted, That nothing in this act contained ſhall extend, or be conſtrued to extend, in any wiſe to confirm the ſaid outlawry or attainder of the ſaid Patrick Sarsfield the elder; but that the ſaid attainder or outlawry may be capable of being reverſed in the ſame manner as if this act had never been made.

Henry Crofton,

XXIII. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, in any wiſe to confirm the outlawry or attainder, or outlawries or attainders of Henry Crofton of Longford in the county of Sligoe; but that the ſaid outlawry or attainder, or outlawries or attainders may be capable of being reverſed, in the ſame manner as if this act had never been made.

Barnaby late lord Upper-Oſſory.

XXIV. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to confirm the outlawries or attainders of Barnaby late baron of Upper-Oſſory; but that the ſame may be capable of being reverſed, in the ſame manner as if this act had never been made.

Thomas Nugent.

XXV. Provided always, That nothing in this act contained ſhall extend to confirm the outlawry or outlawries, attainder or attainders, of Thomas Nugent of Streameſtown in the county of Weſtmeath gent. *alias* Thomas Nugent of London merchant, *alias* Thomas Nugent of Montſerrat in America merchant; but that the ſaid Thomas Nugent, his heirs, executors, and adminiſtrators, ſhall and may have ſuch and the like remedy, benefit, and advantage, to all intents and purpoſes, for reverſing ſuch outlawry or outlawries, attainder or attainders, as if this act had never been made; any clauſe, article, or matter herein contained to the contrary in any wiſe notwithſtanding.

CHAP.

CHAP. VI.

A. D. 1697.

An Act for making the Collectors Receipts for Quit-Rent, Crown-Rent, and other Rents due to the Crown, full and legal Diſcharges for the ſame, and for limiting their Fees thereon.

Collectors appointed by commiſſioners of revenue to levy rents due to the crown, for eaſe of the ſubject:

WHEREAS the ſeveral and reſpective farmers of the revenue of this kingdom ſince the reſtauration of his late Majeſty King Charles the ſecond, and the ſeveral commiſſioners appointed ſince for the management of the ſaid revenue, have thought fit for ſeveral weighty conſiderations to collect and levy the quit-rent, crown-rent, compoſition, and all other rents due to the crown, by collectors by them appointed in the ſeveral diſtricts of this kingdom; which was principally intended for the eaſe of the ſubject, by ſaving them the trouble, danger, and expence of ſending their money to Dublin, to be there paid into the treaſury: and whereas ſeveral ſcruples have ariſen amongſt his Majeſty's good ſubjects, which have made them doubt whether the acquittances given by ſuch collectors were or ought to be ſufficient diſcharges to the perſons who have paid the ſaid rents, againſt his Majeſty in any proſecution made in his name in the court of Exchequer, or elſewhere, for levying and recovering thereof, in caſe the ſaid collectors, who have received the ſame, have not duly accounted for ſuch receipts with his Majeſty, as in duty they ought: for remedy whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by authority of the ſame, That the ſeveral acquittances already given by the collectors or receivers duly authorized and appointed to collect and receive the ſaid quit-rent, crown-rent, compoſition-rent, and other rents, as alſo all acquittances that hereafter ſhall be given by any ſuch collector or receiver, during the time the ſaid collectors were, are, or ſhall be ſo employed, ſhall be good and valid in law to all intents and purpoſes againſt his Majeſty, his heirs, and ſucceſſors; and that all ſuch acquittances ſo given, or hereafter to be given, ſhall be as good and effectual to all intents and purpoſes, as an Exchequer acquittance duly paſſed and entered in the ſeveral offices of the Exchequer.

Doubts whether acquittances given by them were ſufficient diſcharges if they did not duly account to the King.

Such acquittances by collectors ſhall be good againſt the King, and as effectual as Exchequer acquittances.

II. And be it further enacted, That all and every the collector and collectors of the aforeſaid rents ſhall, upon payment of the ſame, or any part thereof, give and perfect to the perſon ſo paying the ſame a full and clear receipt or acquittance for what he ſhall receive in parchment under his hand, wherein he ſhall mention

Said acquittance in parchment, mentioning the ſum received, the gales, lands, and on what account paid.

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mention the ſum ſo by him received, and for what gales, rent, and for what land, and on what account the ſame is paid to him.

To prevent extortion and oppreſſion, the collectors fees limited;

III. And for the encouragement of the ſaid collectors to do their duty therein with all due regard and indulgence to the country, and to prevent the extortions and oppreſſions, which may be committed by their bailiffs or drivers on the tenants liable to pay ſuch quit-rent, crown-rent, compoſition-rent, or other rent; be it further enacted by the authority aforeſaid, That the ſaid collectors, and every of them, may demand and receive the reſpective fees hereafter mentioned, and no more or other fee: that is to ſay, for every acquittance they ſhall give for any of the ſaid rents, for any ſum above five ſhillings, and not exceeding twenty ſhillings, the ſum of ſix pence and no more; and for every ſum above twenty ſhillings, and not exceeding five pounds, the ſum of one ſhilling and no more; and for every ſum above five pounds, and not exceeding fifteen pounds, the ſum of one ſhilling ſix pence and no more; and for every ſum above fifteen pounds, the ſum or fee of two ſhillings; and in no caſe to receive any more for any one acquittance than two ſhillings.

6d. for every acquitance for a ſum above 5s. and not above 20s. if above 20s. and not above 5l. 1s. above 5l. and not above 15l. 1s. & 6d. above 15l. 2s. and in no caſe to receive more for one acquitance.

Several acquitances having been formerly given to the ſame perſon for ſeveral rents, for which diſtinct fees paid, to the great charge of the ſubject,

IV. And whereas ſeveral perſons ſtand charged with, or are obliged to pay, ſeveral rents for ſeveral parcels of their lands and tenements, the ſame being granted under ſeveral and diſtinct rents to themſelves or others under whom they claim, for which formerly ſeveral acquittances uſed to be given, though paid at the ſame time, and by the ſame perſon, for which ſaid ſeveral acquittances diſtinct fees have been paid, to the great charge of the ſubject: for remedy whereof be it further enacted by the authority aforeſaid, That where one perſon ſtands charged with the payment of ſeveral and diſtinct ſums in reſpect of ſeveral parcels of their lands and tenements, or where the ſame is in charge in the name of other perſons, not in poſſeſſion of ſuch lands, the ſeveral collectors of this kingdom within their reſpective diſtricts ſhall on receipt of the ſaid rents, or any part thereof, give to the perſon ſo in poſſeſſion as aforeſaid, and ſo paying the ſame, one acquittance for what he ſhall ſo pay; which acquittance ſhall diſtinctly mention as well the lands and tenements, as the rent ſo paid, and for what gale the ſame is ſo paid, and by whom; for which one acquittance the ſaid collectors ſhall receive no other or greater fee than as aforeſaid.

one acquitance ſhall be given to the perſon in poſſeſſion, for ſeveral and diſtinct ſums.

To prevent any prejudice from loſs of acquitances, collectors ſhall yearly enter the ſame

V. And whereas the ſeveral acquittances to be made and given purſuant to this act may be loſt or miſlaid, to the prejudice of the perſon therein concerned: for prevention whereof, be it further enacted by the authority aforeſaid, That all and every the collector and collectors of this kingdom ſhall every year prepare a

book, wherein they ſhall enter all the receipts or acquittances by them given for all and every the aforeſaid rents, under their hands, and in the preſence of the party paying the ſame, which receipt the ſaid parties, or any other on his behalf, may ſet their names; for every which entry the ſaid collectors may demand and receive two pence over and above the fees aforeſaid; which book the ſaid collectors, and every of them reſpectively, ſhall yearly before the ſtating of their accounts return under their hands, and on their oaths, into the office of the auditor general, where the ſame ſhall remain and be kept, not only as a charge on ſuch collectors reſpectively, but alſo as a diſcharge to the ſubject for all ſums thereby appearing to be paid as aforeſaid.

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in a book, to which the parties may ſet their names, paying 2d. for ſaid entry, ſaid book to be returned yearly into auditor general's office before collectors ſtating accounts, under their hands and on their oaths.

CHAP. VII.

An Act for taking away the Benefit of Clergy in ſome Caſes.

3 *W.* and *M.* 9. *Eng.*

FORASMUCH as divers wicked and ill-diſpoſed perſons are encouraged to commit robberies upon mens perſons and in their houſes, and other offences, by the privilege as the law now is of demanding the benefit of their clergy: be it therefore enacted by the King's moſt excellent Majeſty, and by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon or perſons, that ſhall at any time from and after the firſt day of May in the year of our Lord one thouſand ſix hundred ninety eight, rob any other perſon, or ſhall felonioufly take away any goods or chattles being in any dwelling-houſe, the owner or any other perſon being therein, and put in fear, or ſhall rob any dwelling-houſe in the day time, any perſon being therein, or ſhall comfort and abet, aſſiſt, counſel, hire, or command any perſon or perſons to commit any of the ſaid offences, or to break any dwelling houſe, ſhop, or ware-houſe thereunto belonging, or therewith uſed in the day time, and felonioufly take away any money, goods, or chattles, of the value of five ſhillings or upwards therein being, although no perſon ſhall be within ſuch dwelling houſe, ſhop or ware-houſe, or ſhall counſel, hire, or command any perſon to commit any burglary, being thereof convicted or attainted, or being indicted thereof ſhall ſtand mute, or will not directly anſwer to the indictment, or ſhall peremptorily challenge above the number of twenty perſons returned to be of the jury, ſhall not have the benefit of his or their clergy.

Benefit of clergy an encouragement to divers offences:

taken away from thoſe who rob others, or feloniouſly take away goods in dwelling-houſe, any perſon there, and put in fear,

or rob dwelling-houſe in the day, any perſon therein,

or abet or command the ſame, *&c.*

or break a dwelling-houſe, ſhop, *&c.* in the day, and take to value of 5*s.* tho' no perſon therein,

or command, *&c.* any burglary,

upon conviction, or attainder, or ſtanding mute, or peremptorily challenging above twenty.

A. D. 1697. Chap. 7.

Perſons excluded by former ſtatute upon conviction by verdict or confeſſion, ouſted of clergy if they ſtand mute, or anſwer not directly, or challenge peremptorily above twenty, or outlawed thereon.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever be indicted of any offence, for which by vertue of any former ſtatute, he or they are excluded from having the benefit of his or their clergy, if he or they had been thereof convicted by verdict or confeſſion, ſuch perſon and perſons, if he or they ſtand mute, or will not anſwer directly to the felony, or ſhall challenge peremptorily above the number of twenty perſons returned to be of the jury, or ſhall be outlawed thereupon, ſhall in like manner be ouſted of the benefit of his or their clergy, as if he had been convicted of ſuch offence by verdict or confeſſion.

Perſons indicted for ſtealing in any county, and convicted, or ſtanding mute, &c. ſhall be excluded if it appear that the goods were taken in any other county, for which if convicted there, he would have been excluded.

III. And be it further enacted by the authority aforeſaid, That if any perſon or perſons hereafter be indicted of felony for ſtealing any goods or chattles in any county within this realm of Ireland, and thereof be convicted or attainted, or upon his or their arraignment ſhall ſtand mute, or will not directly anſwer to the indictment, or ſhall challenge peremptorily above the number of twenty perſons returned to be of the jury, he or they ſhall be totally excluded from having the benefit of his or their clergy; if it appear upon evidence or examination before the juſtices, that the ſaid goods or chattles were taken by robbery or burglary, or in any other manner, in any other county, whereof if ſuch perſon or perſons had been convicted by a jury of the ſaid other county, he or they are excluded by vertue of this or any other act, from having the benefit of his or their clergy.

Buyers and receivers, knowing the goods ſtolen, acceſſaries after, 4 *Anne* 11. 8 *Anne* 8.

IV. And foraſmuch as thieves and robbers are much encouraged to commit ſuch offences, becauſe a great number of perſons make it their trade and buſineſs to deal in the buying of ſtolen goods; be it therefore enacted by the authority aforeſaid, That if any perſon or perſons ſhall buy or receive any goods or chattles that ſhall be felonioufly taken or ſtolen from any other perſon, knowing the ſame to be ſtolen, he or they ſhall be taken and deemed an acceſſary or acceſſaries to the felony after the fact, and ſhall incur the ſame puniſhment as an acceſſary or acceſſaries to the felony after the felony committed.

Imbezzling, &c. goods in lodgings, felony.

V. And whereas it is a frequent practice for idle and diſorderly perſons to hire lodgings with an intent to have an opportunity to take away, imbezzle, or purloin the goods and furniture being in ſuch lodgings: be it therefore enacted and declared by the authority aforeſaid, That if any perſon or perſons ſhall take away with an intent to ſteal, imbezzle, or purloin, any chattle, bedding, or furniture, which by contract or agreement he or they are to uſe, or ſhall be let to him or them to uſe in or with ſuch lodging; ſuch taking, imbezzling, or purloining, ſhall be

be to all intents and purpoſes taken, reputed, and adjudged to be larceny and felony, and the offender ſhall ſuffer as in caſe of felony.

Women, convict of offences, for which men ſhould have clergy, ſhall not ſuffer death, but on praying benefit of this ſt. be puniſhed as men, *viz.* burned in the hand in open court, and impriſoned not above a year. 10 *C.* 1. 16. ſeſſ. 3.

VI. And whereas by the laws of this realm women convicted of felony for ſtealing of goods and chattles of the value of ten ſhillings and upwards, and for other felonies where a man is to have the benefit of his clergy, are to ſuffer death: be it therefore enacted and declared by the authority aforeſaid, That where a man, being convicted of any felony for which he may demand the benefit of his clergy, if a woman be convicted for the ſame or like offence, upon her prayer to have the benefit of this ſtatute, judgment of death ſhall not be given againſt her upon ſuch conviction, or execution awarded upon any outlawry for ſuch offence, but ſhall ſuffer the ſame puniſhment as a man ſhould ſuffer that has the benefit of his clergy allowed him in the like caſe; that is to ſay, ſhall be burned in the hand by the goaler in open court, and further be kept in priſon for ſuch time as the juſtices in their diſcretion ſhall think fit, ſo as the ſame do not exceed one year's impriſonment.

9 *Anne* 6. women ſhall not have the benefit of this act more than once.

Men having clergy and women the benefit of this ſtat. indicted afterwards in other county, clerk of crown, *&c.* ſhall at requeſt of any one on behalf of the King, certify the ſame to the judges there, which ſufficient proof thereof. 9 *Anne* 6.

VII. And foraſmuch as ſuch men who have once had their clergy, and ſuch women who ſhall once have the benefit of this ſtatute, may happen to be indicted for an offence committed afterwards in ſome other county: be it therefore enacted, That the clerk of the crown, clerk of the peace, or clerk of the aſſizes, where ſuch man or woman ſhall be convicted, ſhall, at the requeſt of the proſecutor, or any other in his Majeſty's behalf, certify a tranſcript briefly and in a few words containing the effect and tenor of every indictment and conviction of ſuch man or woman, of his having the benefit of the clergy, or her having the benefit of this ſtatute, and addition of every ſuch perſon or perſons, and the certainty of the felony and conviction, to the judges and juſtices in ſuch other county where ſuch man or woman ſhall be indicted; which certificate, being produced in court, ſhall be a ſufficient proof that ſuch man hath before had the benefit of his clergy, and ſuch woman hath had the benefit of this ſtatute.

Stealing cattle more frequent ſince the rebellion.

VIII. And foraſmuch as ſince the late rebellion in this kingdom the ſtealing of cows, ſheep, and other cattle, hath been more frequent than heretofore, ſo as it is become neceſſary, in order to prevent the committing offences of that kind, that the benefit of the clergy ſhould for ſome time be taken away from ſuch offenders: be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall, from and after the ſaid firſt day of May in the year of our Lord one thouſand ſix hundred ninety eight, felonioufly ſteal or take away any cow or cows, ſheep

Perſons convict thereof, or ſtanding mute, *&c.* if above 12*d.* value, ouſted of clergy.

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or other cattle, and ſhall be thereof convict by verdict or confeſſion, or ſhall ſtand mute, and will not directly anſwer to the felony, or ſhall challenge peremptorily above the number of twenty perſons or ſhall be outlawed thereupon, ſuch perſon or perſons, if ſuch offence ſhall exceed the crime of petty larceny, or the cattle ſtolen ſhall be of greater value than twelve pence *ſterling*, ſhall not be allowed the benefit of his or their clergy, but be wholly ouſted from the ſame.

To continue, as to the laſt clauſe, for three years: *Revived and made perpetual 2 Anne 12. which is repealed in part by 9 Anne 6.*

IX. Provided always, That this act ſhall continue and be in force, as to the ſtealing of ſuch cow or cows, ſheep, or cattle, for three years next enſuing, and no longer.

CHAP. VIII.

An Act for granting a Supply to his Majeſty, by raiſing Money by way of a Poll.

WE, your Majeſtie's moſt dutiful and loyal ſubjects the commons of Ireland in Parliament aſſembled, having a grateful ſenſe of the benefits we enjoy under the auſpicious reign of our great deliver and defender, with all thankfulneſs and humility own your Majeſty's goodneſs towards us, and your indefatigable pains and care for our ſafety; and taking into our conſideration, that many debts contracted by your Majeſty for our ſecurity and preſervation, remain unpaid, through a deficiency of your Majeſty's eſtabliſhed and ſettled revenue to diſcharge the ſame, as a further acknowledgment of the ſincerity and loyalty of our hearts, do moſt humbly preſent your Majeſty a free gift of the ſeveral ſums hereafter following, to be levyed in manner herein after expreſſed, for and towards the payment and diſcharge of the debts and other ends hereafter particularly mentioned; and do beſeech your Majeſty to accept thereof; and that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and of the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons of what age, ſex, or degree ſoever, that ſhall be in this kingdom at the time of executing of this act, ſhall pay unto his Majeſty two ſhillings *ſterling per ann.* to commence from the ſixth day of November in the year of our Lord God one thouſand ſix hundred ninety ſeven, except the wives and daughters of day-labourers living with their parents, and the ſons of day-labourers who have not attained their age of eighteen years; and alſo except widows, who by reaſon of their poverty are diſcharged from paying hearth-money, and all perſons living on alms.

II. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, who at the time of the execution of this act ſhall be of the ſeveral qualities, ranks, orders and degrees hereafter mentioned, ſhall annually pay unto his Majeſty, the ſeveral ſums hereafter in this act ſet down and appointed: beſide and over and above their ſaid annual poll of two ſhillings *ſterl.* (that is to ſay) every arch-biſhop of this kingdom ſhall pay the ſum of fifty pounds *ſterl.* every biſhop of this kingdom ſhall pay the ſum of twenty pounds *ſterl.* every dean of this kingdom ſhall pay the ſum of ten pounds *ſterl.* every arch-deacon of this kingdom ſhall pay the ſum of five pounds *ſterl.* every canon or prebendary of this kingdom ſhall ſeverally pay the ſum of fifty ſhillings *ſterl.* every doctor of divinity, law, or phyſick, ſhall pay the ſum of five pounds *ſterl.* every perſon having two or more benefices with cure of ſouls, making together

together one hundred pounds *ſterl.* or upwards, ſhall pay five pounds *ſterl.* every parſon having one benefice with cure of ſouls, of the yearly value of one hundred pounds *ſterl.* ſhall pay three pounds *ſterl.* every parſon having one or more benefice or benefices with *cure* of ſouls, of the yearly value of fifty pounds *ſterl.* and under a hundred pounds yearly value, ſhall pay the ſum of one pound *ſterl.* and no more; every parſon having a fine-cure or benefice without *cure* of ſouls, of the yearly value of one hundred pounds *ſterl.* ſhall pay the ſum of ten pounds *ſterl.* and ſo after the rate proportionably for any greater or leſſer fine-cure or benefice without cure of ſouls, being under or above the yearly value of one hundred pounds *ſterl.* every parſon or incumbent having but one benefice with cure of ſouls, and not reſiding thereon, or having more benefices then one with cure of ſouls, and not reſiding on any one of them, ſhall pay for every ſuch benefice of the yearly value of one hundred pounds *ſterl.* the ſum of ten pounds *ſterl.* and after that rate proportionably for every greater or leſſer benefice; and every parſon or vicar having any beneficeor benefices with cure of ſouls, under the yearly value of fifty pounds *ſterl.* ſhall pay the ſum of ten ſhillings; every chancellor of a dioceſs or vicar general, ſhall pay five pounds *ſterl.* every regiſter of a dioceſs ſhall pay the ſum of two pounds ten ſhillings *ſterl.* every chancellor of a cathedral ſhall pay two pounds ten ſhillings *ſterl.* every dignitary of what nature or kind ſoever, ſhall pay two pounds ten ſhillings *ſterl.* every curate, having no benefice, ſhall pay ten ſhillings and no more.

III. And be it further enacted by the authority aforeſaid, That every perſon and perſons who at the time of the execution of this act ſhall be of the ſeveral ranks and degrees hereafter mentioned, and ſhall be then within this kingdom, or that hath any eſtate in lands, tenements, or hereditaments in the ſame, ſhall pay unto his Majeſty the ſeveral ſums of money hereafter in this act ſet down and appointed: (that is to ſay) every perſon of the degree of a duke of this kingdom ſhall pay the ſum of fifty pounds *ſterl.* every perſon of the degree of a marqueſs, having any eſtate in this kingdom ſhall pay forty pounds; every perſon of the degree of an earl, inhabiting or reſiding in this kingdom at the time of the execution of this act, or having any eſtate in the ſame, ſhall pay the ſum of thirty pounds *ſterl.* every perſon of the degree of a viſcount, that ſhall be in this kingdom at the time of the execution of this act, or that hath any eſtate in the ſame, ſhall pay the ſum of twenty five pounds *ſterl.* and that every perſon being of the degree of a baron of this kingdom, who ſhall be in the ſame at the time of the execution of this act, or that hath any eſtate in this kingdom, ſhall pay the ſum of twenty pounds *ſterl.* and that every perſon being eldeſt ſon of ſuch duke, who is charged fifty pounds as aforeſaid, ſhall pay thirty pounds *ſterl.* every younger ſon of ſuch duke, ſo charged as aforeſaid, ſhall pay the ſum of twenty-five pounds *ſterl.* every eldeſt ſon of ſuch marqueſs as is before charged ſhall pay the ſum of twenty five pounds; every younger ſon of ſuch marqueſs ſhall pay the ſum of twenty pounds *ſterl.* every eldeſt ſon of ſuch earl, as is before charged with thirty pounds *ſterl.* ſhall pay the ſum of twenty pounds *ſterl.* every younger ſon of ſuch earl, as is charged as aforeſaid, the ſum of fifteen pounds *ſterl.* every eldeſt ſon of ſuch viſcount, charged by this act with the payment of twenty five pounds *ſterl.* ſhall pay the ſum of ſeventeen pounds ten ſhillings *ſterl.* every younger ſon of ſuch viſcount, ſo charged as aforeſaid, ſhall pay the ſum of thirteen pounds ſix ſhillings and eight pence; every eldeſt ſon of ſuch baron, as is before charged by this act with the payment of the ſum of twenty pounds *ſterl.* ſhall pay the ſum of fifteen pounds *ſterl.* every younger ſon of ſuch baron ſo charged as aforeſaid, ſhall pay the ſum of twelve pounds *ſterl.* every woman having the title of a peereſs of this kingdom, or who takes place as ſuch by diſcent, or by any grant from his Majeſty, or any of his predeceſſors, having any eſtate in lands, tenements,

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hereditaments, or otherwiſe in this kingdom, or that ſhall be in this kingdom at the time of the execution of this act, ſhall pay equal with any peer of the ſame degree; every widow of any nobleman, though marryed to a commoner, ſhall pay one full third part of what her former huſband whoſe relict ſhe was, ſhould or ought to have paid had he been living; every baronet of England, Scotland, or Ireland, or Nova Scotia, and every knight of the Bath reſiding in this kingdom at the time of the execution of this act, or having any eſtate in lands, tenements, or hereditaments in this kingdom, ſhall pay the ſum of fifteen pounds *ſterl.* every perſon of the degree of a knight batchellor, ſhall pay ten pounds *ſterl.* every perſon of the degree of an eſquire, or ſo reputed, or owning or writing himſelf ſuch (other than ſuch as are reputed eſquires for having been or being mayor, or ſheriffs, or members of any corporation) and every perſon that is or hath been a member of the houſe of commons, or borne or doth bear the office of a ſheriff, or juſtice of the peace, or deputy lieutenant, reſiding in this kingdom at the time of the execution of this act, or having any eſtate in lands, tenements, or hereditaments within this kingdom, ſhall pay the ſum of five pounds *ſterl.* every reputed knight, baronet, baron viſcount, and earl, or who ſhall call or ſtile themſelves ſo, ſhall pay the ſame ſum as they ſhould have been lyable to pay, if they really were of that quality; every gentleman, or reputed gentleman, or owning himſelf or writing himſelf ſuch, inhabiting or reſiding in this kingdom, or having any eſtate in lands, tenements, or hereditaments in this kingdom, ſhall pay the ſum of five and twenty ſhillings *ſterl.* except gentlemen, who ſhall not be worth twenty pounds *ſterl.* at the execution of this act, ſhall pay five ſhillings *ſterl.* and no more; widow every reſpectively reſiding in this kingdom, or having any eſtate within the ſame, ſhall pay one third part rated by this act on that degree of which the huſband of ſuch widow was in his life time.

IV. And be it further enacted, That every perſon under the degree of a baron, being worth one hundred pounds in goods, chattels, or other perſonal eſtate, ſhall pay five ſhillings; and that every perſon as aforeſaid, worth in perſonal eſtate, of any kind two hundred pounds *ſterl.* ſhall pay ten ſhillings; and every perſon worth three hundred pounds in perſonal eſtate as aforeſaid ſhall pay fifteen ſhillings; and every perſon worth four hundred pounds in perſonal eſtate as aforeſaid ſhall pay one pound *ſterl.* and every perſon worth five hundred pounds in perſonal eſtate as aforeſaid ſhall pay one pound five ſhillings; every perſon, having in perſonal eſtate as aforeſaid to the value of one thouſand pounds or upwards, ſhall pay the ſum of five pounds *ſterl.* every tenant or farmer of this kingdom, who payeth not a greater rent then ten pounds *ſterl. per annum*, and every ſhop-keeper, tradeſman, or artificer, not worth ten pounds in ſubſtance, ſhall pay for no more children under the age of ſixteen years, then two; every tenant or farmer, paying above ten pounds *per annum* rent, ſhall pay the ſum of two ſhillings and ſix pence; every tenant or farmer, paying above twenty pounds *per annum* rent, ſhall pay the ſum of five ſhillings; every tenant or farmer, paying above forty pounds rent *per annum*, ſhall pay the ſum of ten ſhillings; every tenant or farmer, paying above ſixty pounds *per annum* rent, ſhall pay the ſum of fifteen ſhillings; every farmer or tenant, paying one hundred pounds *per annum* rent or upward, ſhall pay the ſum of one pound; every tradeſman or ſhop-keeper, that is worth twenty pounds or upwards in perſonal eſtate, ſhall pay the ſum of two ſhillings and ſix pence; every tradeſman or ſhop-keeper worth fifty pounds or upwards in perſonal eſtate ſhall pay five ſhillings; every ſhop-keeper or tradeſman worth one hundred pounds or upwards in perſonal eſtate ſhall pay ten ſhillings; every tradeſman or ſhop-keeper worth two hundred pounds in perſonal eſtate ſhall pay fifteen ſhillings; every tradeſman or ſhop-keeper worth three hundred pounds ſhall pay one pound; every tradeſman or ſhop-keeper worth four hundred pounds in perſonal eſtate ſhall pay one pound five ſhillings; every gray-merchant, merchant-traveller, or pedler,

who uſually travels with an horſe, ſhall pay one pound; every gray-merchant, merchant-traveller, or pedlar, who uſually travels without an horſe, ſhall pay ten ſhillings; every perſon in orders of the Romiſh religion ſhall pay twelve ſhillings and ſix pence; and that all and every perſon, except women, children under the age of ſixteen, and ſuch as pay two ſhillings and no more, who have not already taken the oaths, and ſubſcribed the declaration herein after mentioned, to his Majeſty, and whoſhall not voluntarily appear before the commiſſioners, or any two or more of them, and take the ſaid oath, and make and ſubſcribe the declaration hereinaftermentioned, which oath any two or more of the commiſſioners in this act named are hereby impowered and required to adminiſter, and make an entry or memorandum thereof, and of making and ſubſcribing the ſaid declaration in ſome book to be kept for that purpoſe, every ſuch perſon who ſhall neglect to appear, or ſhall not take the oath, and make and ſubſcribe the declaration as aforeſaid, ſhall be charged with, and ſhall pay to his Majeſty double the ſums, which by force or virtue of any clauſe in this act he ſhould or ought to pay, or be charged with; to be levyed, collected, anſwered, recovered, and paid in ſuch manner, and by ſuch ways and means as are in this act expreſſed and appointed for and concerning the rates and ſums hereby intended to be doubled as aforeſaid.

V. Provided nevertheleſs, That whereas certain perſons, diſſenters from the church of England, commonly called Quakers, and now known to be ſuch, do ſcruple the taking any oath, it ſhall be ſufficient for every ſuch perſon to make and ſubſcribe the following declaration:

I. A. B. *do ſincerely promiſe, and ſolemnly declare, before God and the world, that I will be true and faithful to King William, and I ſolemnly profeſs and declare, that I do from my heart abhor, deteſt, and renounce, as impious and heretical, that damnable doctrine and poſition that princes excommunicated or deprived by the Pope, or any authority of the ſee of Rome, may be depoſed or murdered by their ſubjects, or any other perſon whatſoever: and I do declare, that no foreign Prince, perſon, prelate, ſtate or potentate, hath, or ought to have, any power, juriſdiction, ſuperiority, prehemineney or authority, eccleſiaſtical or ſpiritual, within this realm.*

Which declaration any two or more of the commiſſioners appointed for the execution of this act, are hereby impowered and required to take; and ſuch perſon making and ſubſcribing the declaration ſhall not be liable to, or chargeable with, any of the double rates aforeſaid.

VI. And be it further enacted by the authority aforeſaid, That the ſeveral ſums of money ſo as aforeſaid limitted and appointed to be paid, ſhall be due and payable for two years, commencing the firſt day of November one thouſand ſix hundred ninety ſeven, and be collected quarterly by four equal payments; the firſt payment to be made on the ſecond day of February in the year of our Lord one thouſand ſix hundred ninety ſeven; the ſecond payment to be made on the ſecond day of May, in the year of our Lord one thouſand ſix hundred ninety eight; the third payment to be made on the ſecond day of Auguſt, in the year of our Lord one thouſand ſix hundred ninety eight; and the fourth payment to be made on the ſecond day of November, which will be in the year of our Lord God one thouſand ſix hundred ninety eight; the fifth payment to be made on the ſecond day of February, which will be in the year one thouſand ſix hundred and ninety eight; and ſixth payment on the ſecond day of May, in the year one thouſand ſix hundred and ninety nine; the ſeventh payment to be made on the ſecond day of Auguſt in the year one thouſand ſix hundred ninety and nine: and eighth and laſt payment to be made on the ſecond day of November, in the ſaid year one thouſand ſix hundred and ninety nine.

VII. And be it further enacted by the authority aforeſaid, That for the better aſſeſſing, ordering, and levying of the ſeveral ſums of money ſo as aforeſaid limitted and appointed to be paid, and for the more effectual putting this act in

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execution, all and every the perſons hereafter named ſhall be commiſſioners of and for the ſeveral and reſpective counties, cities, towns and places hereafter named, for putting in execution this preſent act, and the powers therein contained, in the counties, cities, towns and places, (that is to ſay);

For the county of Armagh.

The high ſheriff for the time being; Sir Nicholas Atcheſon, baronet; Sir Henry Tichburn, knight; Arthur Brownlow, Marmaduke Coghill, Samuel Doppin, Stephen Ludlow, Edward Reyly, William Richardſon, William Mollineux, Hamlet Obbins, Downham Cope, Edward Harriſon, John Hamilton, Rich Chappell, William Blacker, Henry Richardſon, Walter Dawſon, Roger Hall, Henry Hunter, Hans Hamilton, James Maxwell, Richard Whaley, eſquires: the ſovereign of Armagh for the time being, the portreeve of Charlemount for the time being, Rath Jones, Thomas Clarck of Ardraſs, Daniel Madden, Thomas Bond, James Mc. Kean, George Maxwell, John Hamilton of Hamiltons bawn, gentlemen; captain James Manſon, Francis Nevill, eſq; William Scott, John Ball, Abraham Ball, Thomas Clarck of Portadown, gentlemen; John Holtrige, eſq;

For the county of Antrim.

Sir Arthur Longford, baronet; captain John Chicheſter, Sir Robert Adaire, Arthur Upton, Hugh Colvill, James Mc Cartney, Edward Harriſon, Godfrey Walker, Hercules Davis, Henry Davis, Charles O Neal, Edward Stafford, Thomas Dawſon, Robert Dalway, Alexander Dalway, eſquires; the ſoveraign of Belfaſt for the time being, Robert Leaſly, George Mc Cartney, eſquires; Edward, Brice, gentleman; Clotworthy Upton, eſq; Arthur Mc. Cartney, Edward Clements, gentlemen; Richard Dob, jun. Edward Ellis, William Shaw of Ganavay, John O Neal, Henry Mc Collagh, Robert Dovil, eſquires; doctor John Peacock, Henry Shaw, William Shaw, of Balligally, gentlemen; William Laſtly, Benjamin Gallant, Charles Stewart, William Shaw of Buſh, John Donelſon, George Buttle, eſquires; William Crawford, and Thomas Crawford, William Thompſon, Robert Haran, James Tanas, James Johnſton, Cornelius Crumble, John Pierſe, John Charlton, William Cloſe, Richard Harriſon, Thomas Cornwall, gentlemen; John Latham, Warnham Jemmet, eſquires; James Harſton, Benjamin Adaire, gentlemen; Samuel Sincly, Edmond Reynolds, John Reynolds, eſquires; James Crawford, Robert Harper, Richard Nuton, Bryan Mc. Manus, Patrick Hamilton of Belfaſt, William Adaire, John Dobbin, William Dobbin, James Mc Collagh, James Boyd, Neal Boy Mc Neal of the Henry Andrew, Hugh Mc Cullam, Henry Willoughby, Henry Sheads, Francis Andrew, Andrew Mc Calvey, William Boyd, John Delap, William Boyd, John Michall, Alexander Mc Kay, Alexander Watſon, and John Walkington, gentlemen.

For the county of the town of Carrickfergus.

The mayor of Carickfergus for the time being, the ſheriffs of the ſame for the time being, Hercules Davis, Henry Davis, eſquires; and Marmaduke Newton, gentleman.

For the county of Catherlaugh.

The high ſheriff for the time being, Sir Thomas Butler, John Allen, Philip Savage, Wentworth Harman, John Tench, Thomas Burdett, Richard Woleſly, Urban Vigors, Edmond Jones, John Beauchamp, John Brown, eſquires; John Dalway, John Bernard, James Cox, arch-deacon; Robert Harris, and Thomas Fox, clerks.

For

For the county of Cavan.

The honourable Mr. Juſtice Coot, Sir Francis Hamilton, baronet; Francis White, Thomas Aſh, Robert Saunders, Francis Butler, John Warburton, Samuel Townly, Thomas Townly, Joſeph Pratt, John Maxwell, John Coyne, Robert Clements, Daniel French, Arnold Coſby, Henry Palmer, Charles Hampſon, Alexander Sanderſon, Edward Davenport, Walter Pollard, eſquires; dean Enoch Rider, William Handſon, Robert Maxwell, Anthony Iviſon, clerks; Robert Craige, eſq; Brockhill Newburgh, Henry Guillyms, Thomas Hemming, Thomas Humes, George Ruſſel, Samuel Wilſon, John Robinſon, John Price, and Patrick Every, gentlemen.

For the county of Clare.

Sir Henry Ingoldſby, Sir Donat O Brien, baronets; Francis Burton, eſq; Francis Gore, and James Hamilton of Tullymore, the honourable John O Brian, Simon Purden, Henry Bridgeman, Edmond Perry, Thomas Spaight, eſquires; John Roan, John Cuſack, gentlemen; Mountifort Weſtrop, William Smith, eſquires; John Hawkins, clerk; William Butler, eſq; George Calpoys, Patrick Connel, gentlemen; Samuel Burton, Thomas Hickman, George Stammer, David Bendon, Nicholas Weſtby, eſquires; Patrick Fitz-Simons, clerk; Henry Lee, Walter Hickman, James Mac Donnell, eſquires; William Smith, Richard Lee, Henry Hickman, George Hickman of Ballickett, gentlemen; Auguſtin Fitz-Gerald, eſq; William Fitz-Gerald, gentleman; Neptune Blood, dean of Kilfenorah; and Timothy O Brien of Smithſtowne.

For the city of Corke.

Colonel Theobald Purcell, Allen Broderick, his Majeſty's ſollicitor general; alderman Robert Rogers, Dr. Walter Neale, Mr. Edward Synge, the mayor and ſheriffs of Cork for the time being, Thomas Piggot, eſq; alderman Newenham, alderman Howell, William Newſtead, eſq; alderman Hore, alderman Crofts, alderman Crow, alderman Charters, John Speed, merchant, captain William Dunſcomb, captain Epenetus Croſs, and captain John Traverſe.

For the county of Corke.

Sir St. John Broderick, knight; Thomas Broderick, eſquire; Allen Broderick, eſquire, his Majeſty's ſolliciter general; Henry Boyle, Robert Fitz-Gerald, Edward Southwell, James Walter, Edward Riggs, Francis Bernard, William Jepſon, Laurence Clayton, Edward Denny, John Hayes, Charles Boyle, John Ormſby, Francis Brewſter, Charles Oliver, James Barry, Robert Foulks, Piercy Freake, Brian Townſend, Thomas Beecher, Edward Richardſon, Samuel Maurice, and Robert Pooly, eſquires; Sir John Mead, knight, Francis Hodder, George Symmes, William Carr, John Davis, John Baily, jun. Thomas Crooke, Edward Worth, Richard Traverſe, Richard Hutchins, Daniel Beaniſh, and John Lee, eſquires; the mayor of Youghall, the ſoveraign of Kinſale, the provoſt of Bandon, the ſoveraign of Middleton, and the ſoveraign of Charlevill for the time being, Sir Matthew Dean, knight; John Cook, Richard Yeats, John Luther, Edward Nicholas, and Jaſper Lucas, merchants; William Bollard, Nicholas Brumby, Richard Wakeham, William Wakeham, Peter Bettſworth, Thomas Piggott, John Traverſe, John Bowles, John Wakeham, William Supple, Samuel Maynard, John Montgomery, Stephen Moore, Boyle Aldworth, Emanuel Moore, Henry Tonſon, Joſeph Jervis, Henry Beecher, Anthony Butler, Samuel Pomroy, Thomas Purden, Arthur Hyde, captain Elwell, Jonas Stowell, ſenior, Jonas Stowell, jun.

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and Robert Gookin, eſquires; Arthur Keefe, Gabriel Solden, Mr. Mountiford, Thomas Burrowes, and Thomas Chidleigh, gentlemen; William Newſtead, Robert Couran, Thomas Hyde, Edward Dodſworth, and Henry Rice, eſquires; John Brailsford, Apollos Morris, Barrachias Wallis, Walter Croker, Henry Waſlis, Charles Newman, George Chinery, James Mauſerge, William Babington, John Silver, Richard Betteſworth, William Thornhill, George Rogers, Francis Smith, John Watkins, and Henry Boreman, eſquires; Epenetus Croſs, John Baily, ſenior; John Gilman, John Wallis, and Nicholas Lyſaght, Arthur Bernard, and William Warner, eſquires; and Edward Howſe, gentleman.

For the county of the city of Dublin.

The lord mayor, recorder and ſheriffs for the time being, Maſter chancellor of the Exchequer, Mr. attorney-general, Mr. ſollicitor-general, the commiſſioners of his Majeſty's revenue of Ireland for the time being, Sir William Billington, Sir Francis Brewſter, Sir Humphery Jervis, Sir John Rogerſon, Alderman John Smith, alderman George Blackhall, alderman William Watts, alderman Bartholomew Vanhumrigh, alderman Samuel Walton, alderman Anthony Percy, alderman Marks Ransford, alderman Samuel Walton, alderman John Page, alderman Charles Thompſon, alderman Francis Stoite, Sir John Coghill, Sir Patrick Dunne, Stephen Ludlow, Marmaduke Coghill, Thomas Tilſon, Standiſh Hartſtonge, Elnatham Lumm, Edward Wingfield, Robert Moleſworth, Edmund Rennell, Edward Richardſon, Wentworth Harman, John Redding, William Mollineux, doctor Thomas Mollyneux, Robert Peppard, Gideon Delaunne, James Mac Cartney, William Handcock the elder, John Allen, Anderſon Saunders, Robert Saunders, Roger Moore, George Warburton, John Warburton, Anthony Towers, James Tiſdell, Daniel Wibrants, Benjamin Burton, Charles Delane, Edward Deane, Chriſtopher Uſher, John Uſher, James Hamilton of Tullamore, and Stephen Stanley, eſquires; collonel John Lovett, collonel Robert Ecklin, William Connelly, collonel Henry Cunningham, Samuel Dopping, Sir Arthur Cole, Abel Ram, Charles Cambell, Sir Francis Blundell, Sir Henry Ingoldſby, William Neave, Edward Reyly, Herculus Davis, St. Leger Gilbert, eſquires; Sir Patrick Dun, knight; Robert Ormſby, John Ormſby, Richard Thompſon, Charles Deering, Edward Wingfield, Thomas Brodrick, and William Robinſon, eſquires; William Cairnes, Ralph Gore, Fauſtin Cuppaidge, Thomas Twigg, Richard Cooke, William Keating, Daniel Miles, Robert King, John Rotten, gentlemen; Robert Curtis, and Joſeph Budden, eſquires; and all the members of the houſe of commons in and about Dublin.

For the county of Dublin.

Robert Rochford, eſq; Sir Richard Bulckely, Sir Arthur Cole, Sir Richard Bellingham, and Sir Thomas Domvile, baronets; Sir John Coghill, Sir William Domvile, and Sir Walter Plunket, knights; Alſan Broderick, Robert Mouldſworth, Edward Deane, John Redding, Thomas Aſh, John Tench, Thomas Pooly, John Allen, Denny Muſchamp, Richard Foſter, Joſeph Deane, ſenior, George Wallis, Daniel Redding, ſenior, John Stepny, Robert Peppard, Thomas Keightly, John South, Chriſtopher Carlton, Marmaduke Coghil, Richard Thompſon, William Neave, Henry Fernly, Joſeph Deane, junior; Joſeph Stepny, Richard Morris, Thomas Stepney, Dixie Coddington, Chriſtopher Uſher, John Price, Iſaac Dobſon, Bernard Brown, George Warburton, Joſeph Budden, and Agmundiſham Veſey, eſquires; Daniel Reading, junior, gentleman; Henry Cooley, William Malineux, Robert Curtis, James Grace, and Edward Corker, eſquires.

For the county of Donnegall.

The high ſheriff for the time being; Sir William Gore, baronet; colonel Guſtavus Hamilton, colonel Henry Cuningham, Charles Hamilton, Andrew Knox, John Forward, John Hamilton, Hugh Hamill, John Montgomery, Francis Folliott, William Gore, William Connely, Charles Melvin, Henry Langford, Humphry May, William Stewart, William Wray, Henry Hart, George Vaghan, Patrick Hamilton, and Edward Hariſon, eſquires; captain William Hamilton, captain William Cuningham, captain Francis Hamilton, captain Robert Baird, Ralph Gore, William Sampſon, eſquires; Thomas Mac Caſland, Alexander Cunningham of Aghen, William Knox, gentlemen; the warden of Lifford for the time being, the provoſt of Donegall, Killeybeggs, Balliſhannon, and St. Johnſton, for the time being; Henry Brook, Andrew Knox, William Cairy, Robert Mortimer, James Vaughan, Michael Huetſon, Robert Spence, Thomas Adkinſon, Triſtram Swetenham, John Cowan, Charles Colhoone, William Walker, Alexander Niſbit, James Niſbett, Andrew Lindſey, John Evans, Edward Cairy, and John Henderſon, gentlemen.

For the county of the town of Drogheda.

The mayor and ſheriffs for the time being; Charles lord Moore, Sir Henry Tichburn, John Stoker, Edward Singleton, Richard Jackſon, Thomas Percivall, William Elwood, Henry Nicholaſs, Joſeph Tomlinſon, William Newton, James Mead, John Graham, Richard Pitts, aldermen; Caleb Gay, and Richard Whaly, eſquires.

For the county of Downe.

Sir John Trever, Sir John Maghill, Nicholas Bagnoll, James Hamilton of Tallymore, Nicholas Price, Matthew Ford, William Shaw, Edward Harriſon, Fredrick Porter, Robert Ecklin, Patrick Savage, James Montgomery, John Ecklin, Gowan Hamilton, William Hamilton, John Hawkins, Henry Hunter, John Norice, John Gibbons, James Baile, John Ellſmeer, John Latham, the honourable Michael Hill, eſquire; James Hamilton of Bangor, Francis Anneſly, Hans Hamilton, James Slone, Clotworthy Upton, Charles Campbell, David Campbell, Francis Hall, Hugh Muntgomery, George Roſſe of Portavo, Arthur Maxwell, Samuel Warring, John Haltridge, Roger Hall, captain Alexander Steward, Vere Ward, Thomas Knox Richard Johnſon, and John Montgomery, eſquires; John Latham, Francis Allen, Patrick Hamilton, Matthew Stothord, John Smith, James Hewſon, John Saunders, William Catherwood, Henry Maxwell, captain Evan Humphries, William Neavan, Hugh Maxwell, Robert Hawkens, Philip Wilkiſon, James Hamilton of Derryboy, Roger Briſto, Alexander Brown, John Blackwood, junior, and Alexander Hamilton, and George Roſſe of Carny, gentlemen.

For the county of Fermanagh.

The ſheriff of the ſaid county for the time being; Sir Guſtavus Hume, baronet, Sir James Caldwell, baronet; Sir Michael Cole, knight; colonel Abraham Creighton, colonel James Corry, doctor Chriſtopher Irwin, Charles Balfour, Hugh Montgomery of Carow, William Archdale, Charles Wallis, Hugh Montgomery of Derrygonelly, William Balfour, eſquires; captain James Creighton, captain John Corry, Gilbert Eccles, David Rynde, Jaſon Haffart, Edward Davis, eſquires; the provoſt of Enniſkilling for the time being; James Aghenlect, Walter Johnſton, gentlemen; captain John Irwin, captain Robert Clarke, Sir William Gore, Sir Triſtram Berriſford, and Sir Henry Tichburne, baronets.

For the county of Galway.

Sir George St. George, knight; John Eyre, eſquire; Sir George St George, baronet; collonel Richard St. George, Gilbert Ormſby, William Caulfield, Frederick Trench, Henry Peirce, John Ormſby, John Morgan, John Neyland, Richard Whaly, Robert Maſon, Thomas Croſſdale, Samuel Eyre, John Lopdell, Edward Eyre, eſquires; the high ſheriff for the time being, Thomas Stanton, Edward Crow, eſquire; Robert Shaw, John Carter, Oliver Carter, John Taylor, Thomas Cunys, Edward Blackney, Jeremy Morgan, Jacob Spike, Thomas Crookſhanke, William Gunter, Richard Warren, John Broughton, junior; Lodowick Pringle, Francis Muxley, Conn Mitchell, William Davis, and Edward Wilſon, gentlemen.

For the county of the town of Galway.

The mayor and recorder for the time being, or their reſpective deputies; the ſheriffs of the ſaid town for the time being, Thomas Revett, Thomas Simcocks, Thomas Cartwright, Thomas Yeeden, John Gerry, aldermen; Sir George St. George, baronet; Sir George St. George, knight; colonel Richard St. George, Robert Ormſby, John Eyre, Edward Eyre, John Ormſby, John Ravett, eſquires; Robert Shaw, Robert Witherington, gentlemen; James Rivetivigie, merchant.

For the county of Kerry.

Lord baron of Kerry; the honourable captain William Fitz-Maurice; the honourable James Fitz-Maurice; Edward Denny, ſenior, eſquires; the ſheriff for the time being; the honourable Henry Petty, William Sands, John Haſſett, Edward Denny, junior, Barry Denny, Samuel Maurice, James Waller, Frederick Mullins, David Croſby, Whittall Brown, Theobald Purcell, Andrew Young, Thomas Ponſonby, John Haſſet of Killorglin, Samuel Raymond, Patrick Croſby, Rowland Bateman, John Bateman, William Croſby, Robert Haſſet, Thomas Shortcliffe, John Walker, Richard Brown, Joſeph Morris, Charles Wrenn, Henry Staughton, Timothy Euraghty, Charles Monk, dean John Richards, Richard Burch, Lancelot Glanville, James Comer, Samual Wilſon, James Bland, Thomas Palmer, Joſias Kenington, Richard Orpin, John Rawlins, Jaſper Morris, Richard Burch, John Sands, and Francis Downs.

For the county of Kilkenny.

Sir Chriſtopher Wandesford, baronet; Sir John Mead, Sir Henry Weymes, knights; colonel William Ponſonby, Agmundiſham Cuffe, Ebenezer Warren, Arthur Buſh, Blaney Sandford, Edward Worth, Chriſtopher Huetſon, Edward May, Samuel Booth, Robert Stopford, Balthazer Cramer, Arthur Webb, John Eaton, Amias Buſh, John Langriſh, George Read, John Baker, Thomas Crawford, Edward Deane, Arthur St. George, Joſeph Bradſhaw, eſquires; Thomas Scurfield, Edward Briſco, Ralph Rell, Joſeph Rell, Pierce Brian of Bawnemore, Paul Gore, John Warring, Richard Connel, John Jones, Nathaniel Boyſe, and Darby Egan, eſquires; Abel Butler, Charles Gore, James Agar, Jonathan Whitby, William Headen, Patrick Welſh, Joſeph Wheeler, Thomas Manſell, William Deys, John Biſhop, John Villers, John Barnes, Daniel Manſergh, William Hawkins, and Joſeph Lodge, gentlemen.

For the city of Kilkenny.

The mayor, recorder, and ſheriffs for the time being; Sir Chriſtopher Wanddesford, baronet; Standiſh Hartſtongue, eſq; recorder; Ebenezer Warren, Richard Connel, Joſhua Helſham, John Pape, Iſaac Muckins, eſquires; Joſias Haydock, Patrick Connell, Albert Butler, John Garnet and John Warring, aldermen.

For the county of Kildare.

The lord viſcount Ely, the honourable Robert Fitz-Gerald, eſq; Sir Francis Blundel, Sir Kildare Burrows, baronets; Sir John Euſtace knight; George Fitz-Gerald, James Barry, Richard Nevil, Thomas Medlicot, John Davis, Maurice Keating, Richard Lock, Francis Weymes, Robert Graydon, Paul Davis, Robert Dixon, John Allen, Wentworth Harman, Francis Anneſley, Maurice Anneſley, John Anneſley, Edward Stratford, Agmundiſham Vezy, William Mollineux, Garret Weiſely, Richard Meredith, Henry Warren, Charles Rickeſeis, Dudly Cooly, Henry Cooly, Raphael Hunt, Jeffery Paul, John Ailmer, James White, William Bruerton, John Aylmer, junior, Richard Wibrow, Walter White, Francis Spring, Thomas Twigg, Theobald Bourk, William Chavinor, Benjamin Fiſh, George Medlicot, William Harbourne, and William Southerby, eſquires; William Knight, clerk, Alexander Grayden, William Wright, Bartholomew Rigg, and Henry Doyle, gentlemen; the ſeveral ſoveraigns for the time being, of the Naas, Kildare, Athy, and Hariſtown.

For the King's County.

Sir Francis Blundell, baronet; Sir Lawrence Parſons, baronet; Sir George Harbert, baronet; William Parſons, Duke Gifford, John Eyre, Thomas Leſtrange, Richard Warburton, ſenior; William Sprigg, John Weaver, John Moore, Samuel Rolls, Hector Vaghan, John Baldwin, ſenior; John Baldwin, junior; Richard Hanſard, Robert Leſtrange, John Wakely, Albert Neſbit, Jeffry Lyons, Thomas Moore, Jonathan Darby, Samuel Moſs, Martin Baldwin, Richard Warburton, junior, George Warburton, Henry Weſtonray, eſquires; William Nelſon, clerk, Daniel Tomlinſon, clerk, George Lowther, clerk, Medhop Loyd, Richard Luther, John Seymer, Anthony Carroll, Humphry Minchin, William Witherill, Peter Holmes, Maurice Keating, capt. Oliver Bingly, Phillip Moore, James Sterling, Edward Baggot, Miles Baggot, Charles Wenham, eſquires; capt. Charles Steward, Francis Lambert, George Fryſſel, Archibald Armſtrong, Nathaniel Taylor, John Ridgway, John Tarlton, John Cradock, William Minchin, Randall Cook, Bigo, Honſy, William Armſtrong, Francis Clarke, Philip Wenman, and William Vaughan, gentlemen.

For the county of Leitrim.

Sir George St. George, Sir William Gore, Sir Robert Gore, and Sir Francis Hamilton, baronets; John Reynolds, Theophilus Jones, Gilbert King, William Lander, William Gore, Morgan Cuningham, Thomas Craſton, Robert Galbrath, John French, Arthur Cooper John Mahon, Edward Reynell, Ralph Gore, William Smith, and William Parks, eſquires; captain Edward Johnſton, captain William Parſons, William Lander, junior, John Peyton, William Ellis, and John Croſton, gentlemen, William Cunningham and ——— Whitelaw, clerks, the ſoveraign of James town, and the provoſt of Carrick, for the time being.

For the county of Limerick.

Sir Edward Crofton, baronet, Sir Thomas Southell, baronet, and Sir Standiſh Hartſtonge, baronet, Sir William King, knight, George Evans, the younger, Chicheſter Philips, Standiſh Hartſtonge, the younger, Chidley Coot, Standiſh Hartſtonge the elder, Charles Oliver, John Ormſby, Joſeph Stephny, William Trenchard, John Piggott, George Evans, ſenior, Ralph Wilſon, John Odell, Michael Serl, Henry Widdenham, Richard Stephens, David Wilſon, Robert Taylor, Thomas Monſell, William Blackney, John Croker, Richard Waller, James Waller, Thomas Holmes, George King, John Parker, Henry Johnſon, Hugh Maſſey, Thomas Roſe, Henry Ailmer, William Ryvers, John Bury, William Langford, the younger, eſquires; Sampſon Cox, Edward Blenerhaſett, John Bayly, Edward Croker, Thomas Fitz-Gerald, John Gabbott, Owen Cutbert, gentlemen, Nicholas Weſby, and Edward May, eſquires.

For the city of Limerick.

The mayor for the time being, Sir Joſeph Williamſon, and Sir William King, knights; Joſeph Coghlan, eſquire, recorder; dean Ezekiel Webb, Ralph Wilſon, and Edmond Perry, eſquires; William Gribble, Robert Smith, George Roch, John Craven, John Ford, Edward Weight, and Simon White, aldermen.

For the county of Longford.

Sir Robert Newcomen, baronet; Sir John Edgworth, knight; Sir Walter Plunket, knight; the honourable William Wolfely, Ambroſe Auger, Wentworth Harman, eſquires; John Kerr, dean of Ardagh, Charles Fox, Anthony Shephard, Arthur Ahmooty, ſenior, Arthur Newcomen, Francis Edgworth, John Percivall, John Ahmooty, Theophilus Jones, Samuel Forth, Frake Sandys, Mathew Wilders, Robert Edgworth, Arthur Ahmooty, junior, William Hide, Francis Wilſon, John Kenedy, Richard Gardiner, and Thomas Handcock, eſquires; John Wilſon, clerk, John Green, clerk, the ſoveraign of Longford for the time being, the ſoveraign of Laneſborough for the time being, the the ſoveraign of St. Johnſtown for the time being, and the ſoveraign of Granard for the time being.

For the city and county of Londonderry.

The mayors and recorders of Londonderry and Coleraine for the time being, the ſheriffs of the city and county of Londonderry for the time being; Sir Triſtram Berriſford, Sir Arthur Langford, Sir Robert Staples, baronets; William Jackſon, David Cairnes, Bartholomew Vanhomrigh, Henry Langford, and William Connelly, eſquires; William Smith, Jervis Squire, Alexander Lecky, James Lenox, Henry Long, Henry Aſh, Horace Kenedy, Thomas Moncreſie, all aldermen of the city of Londonderry; Alexander Skipton, Charles Norman, John Mogridge, John Corran and John Harvey, gentlemen; Edward Brooks, merchant, Hugh Rowly, William Cunningham, Thomas Dawſon and Nicholas Downing, eſquires; Hugh Rainey, Thomas Aſh, Adam Downing, William Palmer, Samuel Right, and John Howey, ſenior, gentlemen; Edward Carey and William Gage, eſquires; the provoſt of Newtown, for the time being, George Carey, George Church, William Bacon, Edward Bacon, Robert Bacon, Robert Dent, George Thornton and Henry Brown, gentlemen; George Cunning and Thomas Church, eſquires; collonel Thomas Blaire, George Canning, Charles Church, junior, John Hodgſon, and Dominick Heyland, gentlemen; Triſtram Beresford, and William Godfrey, eſquires; Arthur Church, John Galt, and Edward

Edward Barwick, aldermen of Colerain; Michael Berrisford, Arthur Carey, Thomas Spaight and Thomas Lance, gentlemen; Nicholas Averall, John Thompſon, junior, and John Galt junior, merchants; Richard Lynam, James Buoy, and John Oliver, gentlemen.

For the county of Lowth.

The high ſheriff for the time being, Sir John Hanmore, Sir Henry Tichborne, knights and baronets; Sir Thomas Forteſcue, knight; Thomas Bellingham, James Tiſdale, John Pepper, Norman Garſtin, Blaney Townley, Edward Singleton, Arthur Brownlowe, William Barton, Timothy Armitage, Brabazon Moor, Robert Alway, and Kilnor Brazier, eſquires; John Ruxton, Anthony Barry, James Leigh, John Smith, gent. alderman John Graham, Roger Bury, and Thomas Clarke, gentlemen; Caleb Gay, Jeremiah Smith eſquires; Philip Vincent, ſenior, the portreeves of Atherdee for the time being, the bayliff of Dundalk for the time being, ſoveraign of Carlingford for the time being; the ſoveraign of Dunleere for the time being.

For the county of Mayo.

Sir Henry Bingham, Sir Arthur Shane, baronet, John Byngham, William Gore, Giles Vanderlure, William Palmer, Edward Eyre, Robert Miller, Thomas Bell, John Mathew, Thomas Burditt, Robert Miller, junior, Robert Bell, Francis Palmer, eſquires; Thomas Brown, Thomas Jones, Samuel Lyndſey, Robert Ormſby, Mathew Bell, John Sherredan, Robert Ormſby, junior, and Thomas Cuffe, gentlemen.

For the county of Meath.

The right honourable the lord Moore, the chancellor of the Exchequer, Oliver Lambert, eſquire; Sir Arthur Langford, Sir Henry Ingoldſby, baronet; Sir Henry Tichburne, knight and baronet; Sir John Dillon, knight; Thomas Blith, eſq; Sir Charles Feilding, knight; Andrew Ram, William Napper, Robert Johnſon, Arthur Meredith, Francis Oſburne, Thomas Taylor, Charles Meredith, Garret Weſley, James Napper, eſquires; doctor Molineux, Edward Corker, Edward Forth, Michael Shields, Samuel Bull, Henry Langford, Robert Hopford, Lancelot Dowdall, Joſeph Deane, Anthony Towers, Charles Lambert, Henry Oſburne of Dardiſtown, Stephen Ludlow, John Warburton, eſquires; major George Pepper, Symon Pepper, Hugh Mervyn, John Leigh, John Grimes, Edward Singleton, William Elwood, eſquires; Nathaniel Elwood, Anthony Berry, gentlemen; Charles Campbell, eſq; Richard Shinton, Henry Oſbourne of Knowth, Thomas Garret, gentlemen; Joſeph Woodward, William Williams, Samuel Jackſon, eſquires; Thomas Nicholſon, gentleman; Henry Meredith, eſq; major John Pepper, Henry Codogan, eſq; Alexander Kent, Joſeph Deane, junior, gentlemen; Darcy Wentworth, George Wentworth, Nathaniel Bull, John Wade, eſquires; Charles Wade, of Clonebury, gentleman; John Wood, John Wood, Robert Alway, John Percival, Samuel Doppin, Thomas Loftus, Joſeph Pratt, Benjamin Prat, eſquires; John Pratt. gentlemen; William Conelly, Richard Jones, John Jones, of Freſan, Iſaac Holdwright, John Hawkſhaw, eſquires; portreeve of Trim for the time being; ſoveraign of Kells for the time being; portreeve of Navan for the time being; Duke Jefford, James Tiſdall, Edward Swan, eſquires; alderman James Vanbobbart; captain William Ingoldſby, Marmaduke Coghill, Oliver Moore, Thomas Aſhe, eſquires; Samuel Gwithers, gentlemen; William Palmer, eſq; Sir John Coghill, knight; Robert Smith, Robert Moleſworth, Hugh Morgan, Richard Willet, eſquires; Samuel Gibbons, Francis Tuke, gentlemen; James White of Moyglaire, eſq;

For the county of Monaghan.

The honourable maſter juſtice Coote; the high ſheriff for the time being; William Barton, Henry Teniſon, Robert Echlin, Charles Deering, Hugh Montgomery, John Uſher, James Curry, James Moore, Arthur Brownlow, James Tiſdall, Edward Davys, Richard Johnſton, Francis Lucas, ſenior, Francis Lucas, junior, Bryan Norbury, William Wyſhart, Blaney Owens, Henry Richardſon, John Corry, George Buchannon, Alexander Montgomery, Richard Pockrich, Gilbert Eccles, Richard Leigh, Joſeph Johnſton, Timothy Armitage, Walter Dawſon, Thomas Wildman, and Thomas Chappel, eſquires; captain Francis Butler, captain Robert Stephenſon, captain Hans Stephenſon; John Leſlie, dean of Dromore; John Smith, archdeacon of Clogher; William Smith, John Lawe, John Foſter, Ralph Barloe, John Knox, Andrew Montgomery, and William Pockrick, clerks; the provoſt of Monaghan for the time being; Charles Congreve, Robert Maxwell, John Barlow, Francis Roſe, Benjamin Roſe, Dudley Teniſon, Henry Evet, John Forſter, James Stanees, Richard Allen, John Graham, Richard Fitch, Francis Dobb, William Johnſton, David Jones, Thomas Jones, gentlemen.

For the Queen's county.

The high ſheriff for the time being, the honourable Robert Fitz-Gerald, eſquires; Sir John Mead, knight, Sir Edward Maſſey, knight; John Weaver, ſenior, John Weaver, junior, Robert Warneford, Walter Weldon, Thomas Pigott, St. Leger Gilbert, George Warburton, Richard Warburton, ſenior, Richard Warburton, junior, William Hartpole, Thomas Carr, Gilbert Rawſon, Richard Handſard, John Spranger, John Barrington, Periam Pole, Richard Priar, Dudley Coſby, eſquires; Andrew Niſbitt, clerk; Abraham May, Lancellott Sands, John Stringer, gentlemen; Richard Seager, Denny Muſchampe, Thomas Veaſey, Philip Wheeler, Wentworth Harman, eſquires; doctor Charles Crow, Robert Piggot of Cappard, William Brereton, George Mervin, Stephen, Fitz-Gerald, Oliver Welſh, Edward Stubbers, eſquires; William Gray, Thomas Starkey, William Deſpard, Stanley Starkey, Roger Allen, Denis Dugan, Joſeph Partridge, Hopton Harris, Samuel Whitſhedd, gentlemen; Maurice Kannely and Richard Hall, clerks; Robert Finn, Lemuell Wagſtaffe, William Rigway, James Wall, John Short, gentlemen; Nicholas Carleton, William Newſtead, eſquires.

For the county of Roſcommon.

Sir Robert King, baronet; Sir George St. George, baronet; Sir Edward Croſton, baronet; John King, William Caulfield, eſquires; Sir Arthur Cole, baronet; Henry Sandford, eſquire; maſter ſerjeant Neave, Arthur St. George, William Handcock, Gilbert King, Henry St. George, Andrew Blackburne, John Dogherty, John French, John Mahon, Robert Sandys, eſquire; George Digby, clerk; Edward Madden, John Reynolds, Theophilus Jones, eſquires; maſter Gilbert Gardiner, Toby Molloy, Gilbert Ormſby, Edward Ormſby, Gilbert Donellan, George Crofton, Henry Dodwell, eſquires; maſter Bryan Cummin, maſter Thomas Walker, maſter Alexander Erwin, maſter Henry Irwin, maſter Humberſton Weſtby, maſter Lewis Hawks; colonel Daniel Hudſon; maſter Robert Goldſmith, maſter Dennis Delany, maſter Edward Kelly, maſter Dean Cope, maſter Thomas Headen, maſter Jeremiah Law, clerk; maſter John Drury, maſter Edward Drury; the ſoveraigns of Athlone, Roſcommon and Tulſke, for the time being; the burgomaſter of Boyle for the time being.

For the county of Sligoe.

Sir Robert King, baronet; Edward Wingfield, Hugh Morgan, John Kinge, Piercy Gethin, Roger Smith, Arthur Cooper, William Griffith, Mathew Ormſby, Jeremiah Jones, Lewis Jones, Adam Ormſby, William Ormſby, George Wood, Charles Hara, Benjamin Burton, Kean Hara, Thomas Griffith, Robert Follyot, Chriſtopher Jones, eſquires; William Smith, Philip Cox, James Barret, Stephen Ormſby, William Fibbs, James Devitt, gentlemen.

For the county palatine of Tipperary.

Sir John Meade, knight; lord viſcount Ikeryne; Thomas Sadler, James Harriſon, John Ottway, John Bayley, eſquires; Sir Thomas Oſburne, knight; Charles Alcock, Stephen Moore, Thomas Moore, Richard Moore, Samuel Greene, John Buckworth, Robert Blennerhaſſet, Thomas Carter, John Perry, William Vaughan, eſquires; Robert Bredon, Patrick Hackett, clerks; William Armeſtrong, John Pike, Symon Broadſtreet, Robert Stopford, Anthony Cheamley, John Cooke, Oliver Letham, Kingſmell Pennefather, eſquires; Andrew Roe, John Cooley, gentlemen; William Jarvin, Thomas Cleare, ſenior, James Dawſon, eſquires; the high ſheriff for the time being; the mayor of Caſhell for the time being; the mayor of Clonmell for the time being; the ſoveraign of Fethard for the time being; David Lowe and William Lane, George Burdett, Charles Laughley, John Hunt, Phan. Cooke, junior, gentlemen; George Read, eſquire; Thomas Salmon, William Latham, Charles Robinſon, Joſeph Tudkins, Michael Stanley gentlemen; Admundiſham Cuffe, eſquire; Philip Carleton gent. Humphry Minchin, Hector Vaughan, eſquires; John Minchin of Annagh, John Minchin of Shangarry, gentlemen; Thomas Batty, John White of Abbey, John White of Ardfinane, Philip Carleton, of Clonmell, Richard Denniſon of the ſame; Richard Newport of the Abby, Robert Boreman of Nenagh, gentlemen; Richard Whaley, Joſeph Lloyd, Robert Cole of Ballymach, eſquire; Robert Minute of —— gentleman; Daniel Gahan, junior, Joſeph Damer, Anthony Carrol, William Worth, Richard Walter, Nicholas Southcoate, eſquires; William Minchin, Iſaac Hales, and Richard Baker, gentlemen.

For the county of Tyrone.

The high ſheriff for the time being; Henry Mervin and James Hamilton, eſquires, knights of the ſhire; Thomas Knox, John Hamilton, Audley Mervin, Oliver Mc Cauſland, eſquire; Sir Robert Staples, baronet; Richard Johnſton, eſq; Sir Thomas Packenham, knight, and David Creighton, eſquire, burgeſſes of the ſaid county; colonel Theobald Cawlfield, colonel John Cawlfield; Sir Triſtram Beresford, baronet; Hugh Hamell, James Moores of Anacloy, Archibald Robinſon, James Murray, Patrick Hamilton, William Stewart of Killymoon, George Buchannon, Thomas Morris, John Leſlie, William Hamilton of Maynagh, William Latham, Charles Eccles, John Houſton, Andrew Stewart of Irey, James Moore of Deſertereagh, George Stewart, Francis Nevill, eſquires; Thomas Edwards, David Mac Cleanaghan of Strabane, William Maxwell of the ſame, William Hamilton of Mountalony, James Hamilton of Tilidony, William Cairns, Allen Moore, William Moore, Stewart Blackler, Robert Lowry, Charles Young, John Dowglaſſe, Thomas Cooper, William Goodlet, gentlemen; Warham Jemmett, Nicholas Carleton, John Latham, eſquires.

For the city of Waterford.

The mayor and ſheriffs for the time being; Anthony Suxbury, eſquire, recorder; Richard Chriſtmaſſe, John Maſon, Joſeph Ivy, John Hallam, and John Head, eſquires; alderman William Dennis, alderman Abraham Smith, alderman Benjamin Boſton; maſter Samuel Frith, merchant.

For the County of Waterford.

The high ſheriff for the time being; Sir Thomas Oſburne, knight; the honourable Henry Petty, John Maſon, eſquires; John Dalton, clerk, dean of Waterford; Richard Chriſtmaſſe, James Mutlow, William Dobbing, Henry Nichell, and John Otherington, eſquires; John Eccles, clerk, arch-dean of Liſmore; William Bucknore, Edward May, Joſeph Ivie, Timothy Wall, Robert Carew, John Nettles, Roger Power, William Greatracks, Andrew Bagg, William Browning, William Congreve, Edward Hibbert, and Thomas Croker, eſquires; Beverly Uſher, Samuel Frith, Edward Cranwell, Ralph Greene, Michael Carew, and Richard Bagg, gentlemen; Simon Ratcliffe, clerk, Francis Beecher, clerk.

For the county of Weſtmeath.

Robert Rochfort, eſquires, his Majeſty's attorney general, and ſpeaker to the honourable houſe of commons; Oliver Lambert, eſq; Sir Thomas Packenham, knight; George Peyton, William Handcock, Charles Lambert, eſquires; Sir John Rogerſon, knight; Walter Pollard, Thomas Smith, Thomas Handcock, John Cooke, James Nugent, Robert Packenham, Henry Dodwell, Henry St. George, John Wood, junior, John Adams, Barachias Low, Richard Pilkington, Lewis Meares, ſenior, Lewis Meares, junior, Edward Bertles, Alexander Murry, John Percivall, Chriſtopher Nugent, eſquires; Arthur Judge, gentlemen; Henry Humphreys, eſquire; Thomas Magan, Edmond Branchwaite, James Pollard, gentlemen; Robert Smith, clerk; Thomas Smith of Killtome, William Chapman, gentlemen; Hugh Bowen, Caleb Gay, William Gay, eſquires; Robert Temple, gentleman; Mungo Campbell, eſquire; Dominick French, gentleman; John Darby, eſquire.

For the county of Wexford.

The right honourable Philip Savage, Matthew Ford, Daniel Wibrants, John Harvey, Francis Anneſley, Thomas Crawford, John Seymoure, Richard Barry, eſquires; Sir Richard Bulckley, Sir Nicholas Loftus; John Chicheſter Abel Ram eſquires; Robert Woleſley, Anderſon Saunders, John Cliffe, Nathaniel Boyſe, Maurice Anneſley, Henry Loftus, Cadwallider Edwards, John Wintworth, Thomas Dulter, Thomas Milling, Joſhua Tench, Anthony Cliffe, Samuel Tench, Henry Jeford, Charles Buggs, Andrew Ram, William Cole, Roger Lindon, William Anſlow, James Stopford, Jeremy Simms, Edward Rogers, Lawrance Davys, John Grogan, James White, Henry Archer, John Shapland, Thomas Ivory, Thomas Phillipps, William Hore, ſoveraign of Roſſe for the time being; mayor of Wexford for the time being; ſoveraign of Newborrough, *alias* Gory; Richard Nixon, Henry Hutton, John Smith, John White, Heygate Boyd, John Bunburry, Nathaniel Stephens, John Napper, John Fenn, Samuel Pitt, Henry Napper, Simon Younge, John Grogan, portreeve of Eniſcorthy for the time being.

For

For the county of Wicklow.

John Price, Richard Edwards, eſquires; Sir Richard Buckley, baronet; William Hoey, eſquire, ſenior; William Mathews, Thomas Keightly, William Robinſon, Chriſtopher Carlton, Robert Stratford, Richard Thompſon, Even Price, Owen Jones, Thomas Burrows, Chriſtopher Collwell, William Fownes, Tichburne Weſt, Peter Craddock, William Hoey, junior, Abram Nickſon, Thomas Philips, Charles Ferrers, John Hackett, eſquires; Talbott Keane, gentleman; Anthony Archer, Robert Graydon, and Richard Gardiner, eſquires;

VIII. And the ſaid commiſſioners, in order to a ſpeedy execution of this act, ſhall and are hereby required in their reſpective counties, cities, boroughs, towns, baronies, and places, to meet together at the moſt uſual and common place of meeting within ſuch of the ſaid counties, cities, boroughs, towns, baronies, and places reſpectively, on the ninth day of December in the year of our Lord one thouſand ſix hundred ninety ſeven; and the ſaid commiſſioners, or ſo many of them as ſhall be preſent at the firſt general meeting, or the major part of them, may by their conſents and agreements divide, as well themſelves as other the commiſſioners not then preſent for the execution of this act, into baronies, hundreds, wards, towns, villages, and other places within their limits priviledged or unpriviledged, in ſuch manner and form as to them ſhall ſeem expedient, and ſhall direct their ſeveral or joint precept or precepts to ſuch inhabitants, high conſtables, petty conſtables, bailiffs, and other ſuch the officers and miniſters, and ſuch number of them as they in their diſcretion ſhall think moſt convenient, to be preſentors and aſſeſſors, requiring them to appear before the ſaid commiſſioners at ſuch time and place as they ſhall appoint, not exceeding eight days; and at ſuch their appearing, the commiſſioners or ſo many of them as ſhall be thereunto appointed, ſhall openly read or cauſe to be read unto them the rates in this act mentioned, and openly declare the effects of their charge unto them, and how and in what manner they ought and ſhould make their certificates according to the rates aforeſaid, and then and there prefix another day to the ſaid perſons to appear before the ſaid commiſſioners, and bring in their certificates of the names and ſirnames, qualities, degrees, titles, eſtates, profeſſions, imployments, and trades of all and every the perſons dwelling or reſiding within the limits of thoſe places with which they ſhall be charged, and of all other things in reſpect whereof any perſon is or may be chargeable by this act, together with the aſſeſſments of the reſpective rates hereby impoſed on each particular perſon, according to the rules and directions hereof, without concealment, love, favour, dread, or malice, upon pain of forfeiture of any ſum not exceeding five pounds, to be levied as by this act is appointed; and ſhall alſo then return the names of two or more able and ſufficient perſons within the bounds and limits of thoſe pariſhes or places, where they ſhall be appointed reſpectively as aforeſaid, to be collectors of the money due to his Majeſty by this act, for whoſe collecting and payingunto the receiver or receivers to be appointed by the ſaid commiſſioners for the reſpective baronies in manner following, ſuch moneys as they ſhall be charged withal, the pariſh or place by whom they ſhall be employed ſhall be anſwerable; which certificates and aſſeſſments ſhall be aſcertained and returned into the commiſſioners at or before the tenth day of January, in the year of our Lord one thouſand ſix hundred ninety ſeven, and upon the delivery or returning in of ſuch certificates or aſſeſſments unto the ſaid commiſſioners, they, or any two or more of them, ſhall forthwith iſſue out and deliver their warrants of eſtreats to ſuch collectors as aforeſaid, for the ſpeedy collecting and levying of the ſaid aſſeſſments, and all moneys and rates due thereupon, according to the intent and directions of this act, of which the ſaid collectors are hereby required to make demand of the parties themſelves, or at the places of their laſt abode, within ſix days after the receipt of ſuch

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warrants or eſtreats, and to levy and pay in at ſuch place as the commiſſioners ſhall appoint unto the reſpective barony collector or receiver; and the reſpective receivers are hereby impowered and required to call upon and haſten the collectors to the ſaid payments, and in default thereof to levy by warrants under the hands and ſeals of any two or more of the commiſſioners upon the reſpective collectors by diſtreſs, ſuch ſum and ſums of money as they have received, and as ought to have by them been paid, and are not paid by reaſon of their failure in doing their duty reſpectively, according to the direction of this act.

IX. And be it further enacted by the authority aforeſaid, That a true duplicate of the whole ſum charged within every barony, hundred, pariſh, ward, village, and place rated and aſſeſſed purſuant to this act, without naming the perſons, ſhall under the hands and ſeals of two or more of the commiſſioners thereunto appointed be returned into his Majeſtie's court of Exchequer, before the eight and twentieth day of February one thouſand ſix hundred ninety ſeven, all appeals being firſt determined, and in like manner within thirty days after each of the days of the ſaid quarterly payments, and the like duplicates be alſo in convenient time made out, and delivered unto the receivers-general, ſo as every of them may be duly charged to anſwer their reſpective collections and receipts, and that the ſaid ſeveral ſums be paid in each county to ſuch perſon or perſons as ſhall be appointed by the chief governour or governours of this kingdom for the time being to that purpoſe purſuant to this act, of which appointment notice is to be given in ten days before the payment thereof, by publick proclamation to be iſſued by ſuch chief governour or governours; and that the payment of ſuch ſums in each county to ſuch perſon or perſons ſo to be appointed, and the receipt under the hands of ſuch perſon or perſons ſo authorized by ſuch chief governour or governours, owning the receipt of ſuch ſum ſhall be a ſufficient diſcharge to the county or place from which the ſame is received, and as ſufficient as any Exchequer acquittance; and upon return of any ſuch certificate or aſſeſſment the ſaid commiſſioners, or any two or more of them, ſhall and may (if they ſee cauſe) examine the preſentors thereof, and if the ſaid commiſſioners, or any two or more of them, within their ſeveral limits, ſhall at the time of the delivery of the ſaid certificates, or within twelve days after, have knowledge or reaſonable cauſe of ſuſpicion, that any perſon or perſons, who ought to be mentioned in the ſaid certificate, is or are omitted, or that any perſon or perſons in the ſaid certificates mentioned is not or are not fully and duly charged according to the true intent of this act, the ſaid commiſſioners, or any two or more of them, ſhall have power to warn ſuch perſon or perſons to appear before them at a day and place prefixed, to be examined touching the premiſſes, or any matter which may any wiſe concern the ſame: and if the perſon or perſons warned to be examined ſhall neglect to appear, not having a reaſonable excuſe for ſuch his default, every perſon ſo making default ſhall pay unto his Majeſty double the ſum or rate he ſhould or ought to have been ſet at; and moreover the ſaid commiſſioners, or any two or more of them, ſhall have power, by any lawful ways and means to examine and enquire into all matters and things for or by reaſon of which any perſons are chargeable by this act, and to ſet ſuch rate or rates upon ſuch perſons, as ſhall be according to the true intent and meaning of this act; that the collectors for each pariſh ſhall have ſix pence in the pound for what money they ſhall pay to the receiver of each barony or hundred; and that the receiver or receivers for each barony or hundred ſhall have four pence in the pound for what money he or they ſhall pay to the perſon or perſons to be appointed by the chief governour or governours of this kingdom for the time being, as aforeſaid.

X. And be it further enacted by the authority aforeſaid, That the preſentors and aſſeſſors for each pariſh within this kingdom, for their labour and pains and performing their reſpective duties in the due execution of this act, ſhall have and receive ſix pence for every twenty ſhillings *ſterling* they ſhall aſſeſs, and which ſhall be received by the receiver or receivers of each barony, for which

ſuch

ſuch aſſeſſors or preſentors ſhall be reſpectively appointed as ſuch in purſuance of this act, to be paid by the ſeveral and reſpective receivers of the ſeveral baronies; which ſaid payment of ſix pence *per* pound as aforeſaid ſhall, by the receiver or receivers of the barony or county, be allowed unto ſuch collectors reſpectively, as good payment for ſo much; and the ſaid collectors reſpectively are hereby diſcharged from any claim of his Majeſty touching the ſaid ſum of ſix pence *per* pound.

XI. And to the end the ſaid aſſeſſors or preſentors may have the more regard to the due execution of their offices as aſſeſſors, or preſentors, according to the true intent and meaning of this preſent act; be it further enacted by the authority aforeſaid, That the commiſſioners before named for the execution of this act, or any two of them, ſhall and are hereby impowered and required to adminiſter on oath to the reſpective aſſeſſors or preſentors of the ſeveral pariſhes reſpectively appointed them to aſſeſs in purſuance of this act, that they will, according to the beſt of their underſtanding truly perform the office of aſſeſſors or preſentors to them reſpectively committed, without concealment, love, favour, partiality, expectation of reward, dread, hatred, or malice, according to the true intent and meaning of this act; and the ſaid aſſeſſors or preſentors are hereby required, before they enter into or upon the execution of their office, to take the ſaid oath accordingly.

XII. And for the careful writing and tranſcribing the ſaid warrants, eſtreats, and duplicates in due time, and for making certificates upon appeals; be it further enacted, by the authority aforeſaid, That the commiſſioners clerks, who ſhall reſpectively perform the ſame, ſhall by warrant under three or more of the commiſſioners hands, have and receive from the reſpective perſon or perſons, who ſhall be appointed in each county by the chief governour or governours of this kingdom for the time being as aforeſaid, to receive the ſeveral ſums purſuant to this act, three pence in the pound, of all ſuch moneys as they ſhall have received by virtue of ſuch warrants and eſtreats, who are hereby appointed to pay the ſame accordingly: and if any perſon or perſons ſhall refuſe to pay the ſeveral ſum and ſums and proportions appointed by this act for ſuch perſons to pay, within the ſpace of ten days after demand, or notice left at the place of reſidence or dwelling of ſuch perſons, by the officer or collector of the place, according to the precepts or eſtreats to him delivered by the ſaid commiſſioners, it ſhall be lawful to and for ſuch officer or collector who is hereby thereunto authorized and required, for non-payment thereof to diſtrain the goods or chattles of ſuch perſon or perſons, and the diſtreſs ſo taken to keep by the ſpace of eight days at the coſts and charges of the owners thereof; and if the ſaid owner doth not pay the ſum of money due by this act within the ſaid eight days, then the ſaid diſtreſs to be appraiſed by two or more of the inhabitants where the ſaid diſtreſs is taken, and there to be ſold by the ſaid officer for payment of the ſaid money, and the overplus coming by the ſaid ſale (if any be) over and above the charges of taking and keeping the ſaid diſtreſs, to be immediately reſtored to the owner thereof; and if any perſon or perſons aſſeſſed by this act ſhall refuſe or neglect to pay the ſum or ſums ſo aſſeſſed by the ſpace of ten days after demand as aforeſaid, where no ſufficient diſtreſs can or may be found, whereby the ſame may be levyed in every ſuch caſe three of the commiſſioners by this act appointed for any ſuch city, county, or place, are hereby authorized by warrants under their hands and ſeals to commit ſuch perſon or perſons to the common goal, there to be kept without bayl or mainprize untill payment ſhall be made. And if any perſon certified, aſſeſſed, or rated, find him or herſelf agrieved with ſuch aſſeſſing or rating, and do within five days after demand thereof made complain to the ſaid commiſſioners, they or any three or more of them (whereof two ſhall be of the commiſſioners who ſigned or allowed his or her rate) ſhall and may within ſeven days next after ſuch complaint particularly examine the party ſo complaining upon his or her oath, touching the ſame; and upon due examination or knowledge thereof abate, defaulk, encreaſe, or enlarge the ſaid aſſeſſments; and the ſame ſo abated, encreaſed, or enlarged, ſhall be eſtreated by them in to the Ex-

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chequer in manner aforeſaid; and to that end the ſaid commiſſioners are hereby required to meet together for the determining of ſuch complaints and appeals accordingly.

XIII. And be it further enacted by the authority aforeſaid, That every perſon to be rated by this act ſhall be rated at ſuch place, where he or ſhe with his or her family ſhall be reſident at the time of the execution of this act; and that every perſon not being a houſholder, nor having a certain place for abode, and all ſervants, ſhall be taxed at the place where they are reſident at the time of the execution of this act; the tax upon ſuch ſervants to be paid by their reſpective maſters or miſtreſſes, and to be deducted out of their wages, which deduction the ſaid maſter or miſtreſs is hereby impowered to make.

XIV. Provided always, That if any perſon, having ſeveral manſion houſes or places of reſidence, ſhall be doubly charged by vertue of this act, that upon certificate made by two or more of the commiſſioners for the county, city, or place (which certificate the ſaid commiſſioners are hereby required to give without delay, fee, or reward) of his or her perſonal reſidence, under their hands and ſeals, of the ſum or ſums there charged upon him or them, or in what capacity or reſpect he or they were ſo charged, and upon oath made of ſuch certificate before any juſtice of the peace of the county or place where ſuch certificate ſhall be made (which oath the ſaid juſtice of the peace is hereby authorized to adminiſter) then the perſon or perſons ſo doubly charged ſhall, for ſo much as ſhall be certified, be diſcharged in every other county, city, or place: and if any perſon at the time of the aſſeſſing ſhall be out of the realm, ſuch perſon ſhall be rated where ſuch perſon was laſt abiding within the realm; and if any perſon that ought to be taxed by vertue of this act, by changing his place of reſidence, or by fraud, or covin, ſhall eſcape from the taxation, and not to be taxed, and the ſame be proved before the commiſſioners, or any two of them, or two juſtices of the peace of the county where ſuch perſon dwelleth or reſideth, at any time within twelve months next enſuing after ſuch taxation made, every perſon that ſhall ſo eſcape from the ſaid taxation and payment ſhall be charged, upon proof thereof, at the double value of ſo much as he ſhould or ought to have been taxed by this act; the ſaid double value, upon certificate thereof made into the Exchequer by the commiſſioners or juſtices, before whom ſuch proof ſhall be made, to be levied of the goods, chattles, lands, and tenements of ſuch perſons, towards the ſupply aforeſaid.

XV. Provided always, That the commiſſioners within any county or place within their reſpective limits, or the major part of them, ſhall tax and aſſeſs every other commiſſioner joined with them; and the commiſſioners within their diviſion ſhall aſſeſs every aſſeſſor within their diviſion; and as well all ſums upon every of the ſaid commiſſioners and aſſeſſors, as the aſſeſſments made and preſented by the preſentors as aforeſaid, ſhall be written, eſtreated, levied, and gathered, as the ſame ſhould and ought to have been, if the ſaid commiſſioners had not been named commiſſioners.

XVI. And be it further enacted by the authority aforeſaid, That if any aſſeſſor, collector, receiver, or any other perſon appointed by the commiſſioners ſhall wilfully neglect or refuſe to perform his duty in the due and ſpeedy execution of this preſent act, the ſaid reſpective commiſſioners, or any two or more of them, may and ſhall by vertue of this act have power and authority to commit ſuch aſſeſſor, collector or receiver to gaol till he or they have done his or their duty according to this act, or to impoſe on ſuch perſon or perſons, ſo refuſing or neglecting their duties, any fine not exceeding twenty pounds for any one offence at their diſcretion; the ſame to be levied and certified as aforeſaid into his Majeſtie's court of Exchequer, and charged upon the reſpective receivers amongſt the reſt of the rates aforeſaid; and the ſaid commiſſioners, or any two or more of them, may or ſhall from time to time, call for and require an account from the reſpective receivers of all the moneys received by them of the ſaid collectors, and of the payment thereof, according to the direction of this act: and in caſe of any failure in

the premiſſes, the ſaid commiſſioners, or any two or more of them, are hereby required to cauſe the ſame to be forthwith levied and paid according to the true intent and meaning of this act: and in caſe of any crontroverſy ariſing between the ſaid commiſſioners, concerning the ſaid rates or aſſeſſments, the commiſſioners that ſhall be concerned therein, ſhall have no voice, but ſhall withdraw during the debate of ſuch controverſy, untill it be determined by the reſt of the commiſſioners; and in default thereof, that the commiſſioners then preſent ſhall have power, and are hereby required, to impoſe ſuch fine or fines as to them ſhall be thought fit, upon ſuch commiſſioners ſo refuſing to withdraw, not exceeding twenty pounds, and to cauſe the ſame to be levyed and paid as other fines to be impoſed by vertue of this act are to be levied and paid: and all queſtions and differences that ſhall ariſe touching any of the ſaid rates, taxes, aſſeſſments, or levies, and the collecting thereof, ſhall be heard and finally determined by three or more of the commiſſioners, upon complaint thereof to them made by any perſon or perſons thereby grieved, without further trouble or ſuite in law; and the ſaid receiver general, his deputy, or deputies, ſhall give acquittances *gratis* to the ſaid barony receivers, who ſhall likewiſe give accquittances *gratis* to the ſaid pariſh collectors, for all moneys of them reſpectively received in purſuance of this act; which acquittances ſhall be a full diſcharge to the ſaid collectors reſpectively; and the ſaid collectors ſhall make and deliver to the ſaid receivers general, their deputy or deputies, a perfect ſchedule fairly written in parchment under their hands and ſeals, ſigned, and allowed by any two or more of the reſpective commiſſioners, containing the names and ſirnames and places of abode of every perſon within their reſpective collection, that ſhall make default of payment of any the ſums that ſhall be rated or aſſeſſed on ſuch perſons by virtue of this act, and the ſum and ſums charged on every ſuch perſon, the ſame to be returned by him into his Majeſtie's Exchequer, whereupon every ſuch perſon making default of payment may be charged by proceſs of the ſaid court, according to the courſe thereof in that behalf.

XVII. And be it further enacted by the authority aforeſaid, That no letters patents granted by the King or late Queen's Majeſties, or any of their royal predeceſſors, or to be granted by his Majeſty, to any perſon or perſons, cities, burroughs, or towns corporate within this realm of any manner of liberties, privileges, or exemptions from ſubſidies, tolls, taxes, aſſeſſments, or aids, ſhall be conſtrued or taken to exempt any perſon or perſons, city, burrough, or town-corporate, or any the inhabitants of the ſame, from the burthen or charge of any ſum or ſums of money granted by this act, and all *non-obſtantes* in ſuch letters patents, for any ſuch purpoſe or intent, are declared to be void and of none effect.

XVIII. And be it further enacted by the authority aforeſaid, That all conſtables, head-burroughs, and other his Majeſtie's officers, ſhall and are hereby required and enjoined to be repectively aiding and aſſiſting in the execution of this act, and to obey and execute ſuch precepts or warrants as ſhall be to them directed in that behalf by the reſpective commiſſioners hereby appointed, or to any two or more of them.

XIX. And be it further enacted by the authority aforeſaid, That if any action, plaint, ſuit or information, ſhall be commenced or proſecuted againſt any perſon or perſons, for what he or they ſhall do in purſuance or in execution of this act, ſuch perſon or perſons, ſo ſued in any court whatſoever, ſhall or may plead the general iſſue not guilty, and upon any iſſue joined may give this act and the ſpecial matter in evidence; and if the plaintiff or proſecutor ſhall become non ſuit, or forbear further proſecution, or ſuffer diſcontinuance, or if a verdict paſs againſt him, the defendant and defendants ſhall recover treble coſts, for which they ſhall have the like remedy as in caſe where coſts by law are given to the defendants.

XX. And be it further enacted by the authority aforeſaid, That the reſpective parents, guardians, and tutors of every perſon under the age of one and twenty years ſhall, upon default of payment of ſuch perſon, and upon demand pay

what is due and payable by this act, for every ſuch perſon reſiding in their family or under their tuition, as before herein is mentioned.

XXI. And be it further enacted by the authority aforeſaid, That all money due and payable by this act ſhall be paid by the particular collectors of the reſpective counties, cities, burroughs, towns, pariſhes, and places, who ſhall collect the ſame, unto the reſpective barony-receivers, who ſhall pay the ſame unto ſuch receiver or receivers as ſhall by their excellencies the lords juſtices or other chief governour for the time being, be appointed as before is mentioned.

XXII. And be it further enacted by the authority aforeſaid, That the particular collectors for payment of any ſums by them received unto ſuch barony receiver or receivers, ſhall not be obliged to travel above twenty miles from the place of their habitations.

XXIII. And be it further enacted by the authority aforeſaid, That every receiver of any hundred, barony, or diviſion, from time to time, within the ſpace of one month next after he ſhall have received the full ſum that ſhall be charged upon any hundred, barony, or diviſion, for each particular quarterly payment that is to be made to ſuch receiver by vertue of this act, ſhall give the commiſſioners who ſhall act in ſuch hundred, barony, or diviſion, a receipt under his hand and ſeal, acknowledging his receipt of the full ſum charged upon ſuch hundred, barony, or diviſion, for ſuch particular payment; and the receipt of ſuch receiver or receivers as ſhall be appointed by the lords juſtices of this kingdom, or other chief governour or governours of this realm for the time being as aforeſaid, to every collector of any barony, hundred, or diviſion, for ſo much of the ſaid aſſeſſment as ſhall be contained in ſuch receipt, ſhall be a full diſcharge to ſuch barony, hundred or diviſion, againſt his Majeſty, his heirs and ſucceſſors.

XXIV. And for preventing ſuch vexations as might be occaſioned by ſuch perſons as ſhall be appointed to make returns of ſuch perſon and perſons as make default in payment of the ſum or ſums on him or them aſſeſſed by this act; and to the intent ſuch perſon or perſons may return true account or accounts into his Majeſty's court of Exchequer of ſuch ſum of money as ſhall not be received by them and every of them, their and every of their deputy and deputies; be it enacted by the authority aforeſaid, That if any ſuch perſon ſhall return or certifie into the ſaid court, any ſum or ſums of money to be in arrear or unpaid, after the ſame hath been received, ſuch perſon or perſons ſo making ſuch return or returns, or ſhall cauſe any perſon or perſons to be ſet *inſuper* in the ſaid court, for any ſum or ſums of money that hath been ſo received, that then every ſuch perſon or perſons making ſuch returns ſhall forfeit to every perſon or perſons that ſhall be moleſted, vexed, or damaged, by reaſon of ſuch unjuſt certificate, return or ſetting *inſuper*, treble damages that ſhall be thereby occaſioned; the ſaid damages to be recovered by action of debt, bill plaint, or information, in which no eſſoyn, protection, or wager of law ſhall be allowed, nor any more than one imparlance; and ſhall alſo forfeit unto his Majeſty, his heirs and ſucceſſors, double the ſum that ſhall be ſo unjuſtly certified, or returned, or cauſed to be ſet *inſuper*.

XXV. Provided always, That all penalties and forfeitures to be incurred for any offences againſt this act, for which there is no way for levying herein before preſcribed or appointed, ſhall be levyed by warrant of any two or more of the reſpective commiſſioners of the diviſion or place, where any ſuch offence was or ſhall be committed, by diſtreſs and ſale of the goods of the offender, rendering the overplus to the owner thereof, after deduction of reaſonable charges for diſtraining the ſame.

XXVI. And be it further enacted by the authority aforeſaid, That the commiſſioners in every county, at the general meeting, to be by them appointed after all appeals ſhall be firſt determined, ſhall cauſe duplicates of the whole ſums charged within every hundred, barony, ward, or place rated and aſſeſſed in ſuch county in purſuance of this act, without naming the perſons, to be fairly written in parchment, and aſcertained under three or more of their hands reſpectively to each duplicate, and the ſame ſo by them ſubſcribed and aſcertained ſhall be jointly

and

and together delivered to the ſheriff of ſuch county, and be by him tranſmitted to the Exchequer at or before the twenty eighth day of February, in the year of our Lord one thouſand ſix hundred ninety ſeven.

XXVII. Provided always, That no perſon ſhall be capable of acting as a commiſſioner in the execution of this act, before he ſhall take the oaths, and ſubſcribe the declaration appointed by this act: *viz.*

You ſhall ſwear, that you will duly execute the act, intituled, An act for granting a ſupply to his Majeſty, by raiſing money by way of a poll, *as a commiſſioner according to your beſt ſkill and knowledge, without favour or affection.*

So help you God.

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful and bear true allegiance to his Majeſty King William.*

So help me God.

I A. B. *do ſwear, that I do from my heart, abhor, deteſt, and abjure, as impious and heretical, that damnable doctrine and poſition, that Princes excommunicated, or deprived by the Pope, or any authority of the ſee of Rome, may be depoſed or murdered by their ſubjects, or any other whatſoever. And I do declare that no foreign prince, perſon, prelate, ſtate or potentate hath or ought to have any juriſdiction, power, ſuperiority, preheminence, or authority eccleſiaſtical or ſpiritual within this realm.*

So help me God.

I A. B. *do ſolemnly and ſincerely in the preſence of God profeſs, teſtify, and declare that I do believe that in the Sacrament of the Lord's Supper there is not any tranſubſtantiation of the elements of bread and wine into the body and blood of Chriſt, at or after the conſecration thereof, by any perſon whatſoever; and that the invocation and adoration of the Virgin Mary, or any other ſaint, and the ſacrifice of the maſs, as they are now uſed in the church of Rome, are ſuperſtitious and idolatrous; and I do ſolemnly in the preſence of God profeſs, teſtify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary ſenſe of the words read unto me, as they are commonly underſtood by proteſtants, without any evaſion, equivocation, or mental reſervation whatſoever, and without any diſpenſation already granted me for this purpoſe by the Pope, or any other authority or perſon whatſoever, or without diſpenſation from any perſon or authority whatſoever, or without believing that I am or can be acquitted before God or man, or abſolved of this declaration, or any part thereof, although the Pope, or any other perſon or perſons or power whatſoever, ſhould diſpence with or annul the ſame, or declare that it was null and void from the beginning.*

Which ſaid two laſt oaths and declaration are the ſame oaths and declaration intended alſo to be adminiſtred to, and be made and ſubſcribed by, ſuch, not being Quakers, as already have not taken the ſaid oaths, and ſubſcribed the ſaid declaration, to excuſe them from paying double as aforeſaid; which oaths and declaration it ſhall and may be lawful for any two or more of the commiſſioners to adminiſter and take; and they are hereby authorized and required to adminiſter and take the ſame, to and from any other commiſſioner: and in caſe any perſon named a commiſſioner for putting in execution this act ſhall preſume to act as a commiſſioner before he ſhall have taken the ſaid oaths, and made and ſubſcribed the ſaid declaration, he ſhall forfeit to his Majeſty the ſum of two hundred pounds.

A. D. 1697. Chap. 8.

XXVIII. And be it further enacted by the authority aforeſaid, That every houſholder ſhall, upon the demand of the reſpective aſſeſſors of the ſeveral pariſhes or places, give an account of the names and qualities of ſuch perſons as ſhall ſojourn or lodge in their reſpective houſes, under the penalty of forfeiting to his Majeſty the ſum of ten pounds, to be levyed and recovered in ſuch manner as other penalties in this act mentioned are to be levyed and recovered.

XXIX. And be it further enacted and declared, That whenever any perſon or perſons ſhall or may be liable to be taxed by vertue of this act, in two or more qualifications or capacities, and ſhall alſo be ſo taxed, that ſuch perſon ſhall only pay in one of the ſaid capacities, or qualifications, that is in ſuch capacity or qualification which is moſt beneficial for his Majeſty.

XXX. And be it further enacted, That whereas there are ſeveral ſums of money due to the people of this kingdom, for debts ſtated and unſtated, due by the army for quarters, before the four and twentieth of June one thouſand ſix hundred ninety two, that whatſoever ſum or ſums of money ſhall be raiſed, levyed or collected by vertue of this act, over and above one hundred thouſand pounds *ſterling* payable in the firſt place unto his Majeſty, ſhall and may be paid and applied towards the diſcharge of the ſaid country debts, ſtated and unſtated, in juſt and equal proportions, as the ſeveral debts ſo due bear proportion to the whole of the ſaid debts.

XXXI. Provided always, and be it further enacted, That no foreign proteſtant refugee, nor any perſon who ſerved as a private ſoldier in Londonderry, or Eneſkillen during the late ſiege of Londonderry, and all common ſoldiers in his Majeſty's army, and ſeamen in his Majeſty's fleet, all matroſſes in the train of artillery, and all proteſtants who ſhall come into this kingdom after the ſixth day of November one thouſand ſix hundred ninety ſeven, who have not now any eſtate or intereſt in this kingdom, ſhall be wholly exempt from paying any ſum whatſoever towards this preſent poll.

XXXII. And for aſmuch as great abuſes have formerly been committed to the prejudice of his Majeſty in the execution of the former poll act, under pretence of appealing againſt aſſeſſments made, which appeals having been once heard, and the commiſſioners not having releived the party appealing, but judging him not to be relievable within the intention of the ſaid act, the ſaid parties have notwithſtanding been afterwards relieved by other commiſſioners of appeals, who have taken on them to re-examine the ſaid appeal formerly heard and determined; be it further enacted, That no appeal being once heard and determined ſhall be re-heared or re-examined, nor any new appeal be received for any matter upon which, or upon any part of which, the ſaid party hath formerly lodged his appeal, and been heard to the ſame.

CHAP. IX.

An Act to Supply the Defects, and for better Execution of an Act paſſed this preſent Seſſion of Parliament, entituled, An Act for the better ſuppreſſing Tories and Rapparees; and for preventing Robberies, Burglaries, and other heinous Crimes.

7 *Wil.* 3. 21. defective, and doubts and difficulties thereupon 2 *Anne* 13. 6 *Anne* 11. 4 *G.* 1. 9.

WHEREAS an act made in this preſent ſeſſion of Parliament, entituled, *An Act for the better ſuppreſſing tories and rapparees; and for preventing robberies, burglaries, and other heinous crimes*, hath not had its due effect, by reaſon there is not in the ſaid act ſufficient proviſion made for the prevention of murthers and maims, that ſhall or may be committed by ſuch robber, tory,

A. D. 1697. Chap. 9.

6 G. 1. 12. 12 G. 1. 6. 9 G. 2. 6. 29 G. 2. 8.

or rapparee; as alſo by reaſon of other defects in the ſaid act, and ſome doubts ariſen on the ſame, and difficulties in proſecution thereof: for remedy therefore of the ſaid defects, explaining the ſaid doubts, and rendering the execution of the ſaid act more eaſy, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That where any perſon or perſons ſhall, at any time after the ſixth of November one thouſand ſix hundred ninety ſeven, be murthered, maim'd, or diſmembered by any robber, tory, or rapparee, and the offender or offenders, or the major part of them, ſhall not be killed or apprehended, and brought before ſome juſtice of the peace or other magiſtrate within ſix calendary months next after the committal of ſuch offence, in order to his or their being proſecuted for the ſame according to law; the reſpective grand juries of the ſeveral counties in this kingdom, where ſuch fact ſhall be committed, ſhall, and are hereby required, at any aſſizes to be held for ſuch county within one year after ſuch fact committed, to preſent and charge upon the popiſh or proteſtant inhabitants of ſuch county reſpectively, and proportionably, according as the number of ſuch robbers, tories, or rapparees, ſhall be papiſts, or reputed papiſts or proteſtants, as is herein after mentioned, the ſums following: (that is to ſay) in caſe of murther, ſuch ſum or ſums of money not exceeding twenty pounds, and in caſe of maim, or diſmembring any perſon, ſuch ſum or ſums of money, not exceeding ten pounds, as ſuch grand juries on conſideration had of the quality of the perſon murthered, maimed, and diſmembred, and circumſtances of his family ſhall think fit; ſuch ſum, in caſe of murther, to be paid to and for the uſe of the widow and children of the party murthered; or if he ſhall not be married at the time of his death, then to the uſe of his children, or other next relation; and in caſe of maim or diſmembring of any perſon, then ſuch ſum to be paid to the uſe of the perſon or perſons ſo maimed or diſmembered; or if he ſhall die before the recovery thereof, then to the uſe of his widow, children, or other relations reſpectively, as is aforeſaid in caſe of murther; the ſaid ſum or ſums not to be aſſets in the hands of ſuch widow, children or relations, or liable to anſwer or ſatisfie any debt or debts of the party deceaſed; which ſum ſo to be preſented, ſhall be paid by ſuch, and born by the perſons, in manner and according to the proportions following: (that is to ſay) where ſuch robbers, tories, or rapparees are or ſhall be papiſts, or reputed of the popiſh religion, by the papiſt inhabitants of ſuch county; and where ſuch robbers, tories, or rapparees are or ſhall be proteſtants, or reputed to be of the proteſtant religion,

Where perſons murthered, maimed, or diſmembered by robbers, &c. who, or the major part, not killed or apprehended in ſix months, the grand jury of the county in a year to preſent for a murther not leſs than 20l. for maim 10l.

to be paid to uſe of the parties, or their repreſentatives:

ſaid ſums not aſſets for debts.

to be born by papiſt inhabitants where ſuch robbers, &c. papiſts:

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religion, by the proteſtant inhabitants of ſuch country, and where the ſaid facts ſhall be committed by papiſts and proteſtants, then by the popiſh and proteſtant inhabitants of ſuch county, in ſuch proportion, and according to the number of ſuch papiſts and proteſtants, as ſhall commit the ſame: for the levying of which ſum, ſuch proceſs, in the nature of an execution, ſhall iſſue on ſuch preſentment againſt any one or more of the perſons chargeable therewith, and ſuch contribution had, taxed, and levied for his relief, againſt all the other perſons chargeable therewith, as is herein after appointed in caſe of ſatisfaction recovered for loſſes, or injuries ſuffered, by ſuch robbers, tories, and rapparees.

where proteſtants, by the proteſtant: where by both then in proportion to the number.

To be levied by proceſs againſt one or more, who ſhall have contribution.

II. And whereas the method appointed by the ſaid former act for the perſon or perſons robbed or damnified by ſuch robbers, tories, or rapparees, to recover ſatisfaction for ſuch damage, is tedious, difficult, and chargeable: be it enacted by the authority aforeſaid, That in all caſes where any perſon or perſons is by the former act entitled to recover amends or ſatisfaction, for any loſs or damage incurred or ſuffered by any robber, tory, or rapparee, ſuch perſon ſhall or may purſue his remedy for recovery of ſuch ſatisfaction or amends at the next aſſizes to be held for the ſaid county, where ſuch offence was committed, before the judge or judges of aſſize, and grand jury of the ſaid county, to be impannelled and ſworn at the ſaid aſſizes in the method following: (that is to ſay) the perſon or perſons ſo robbed ſhall at the ſaid aſſizes exhibit and deliver to the ſaid judge or judges of aſſizes his or their petition, therein praying ſuch ſatisfaction, and ſhall ſet forth in ſuch petition the time and place when and where ſuch robbery was committted, or other injury done to him or them, the ſeveral particular goods loſt, or other particular damages ſuffered by him or them, and the particular value thereof, and by what number of perſons ſuch robbery was committed, or injury done, and of what religion ſuch offender or offenders, or any of them, were; with the names and deſcriptions of ſuch of the ſaid offenders as he doth know, and ſuch particular deſcriptions of ſuch others of them as he can give; and the ſaid matter ſhall thereupon be examined by ſuch judge or judges of aſſizes in open court, in the preſence of ſuch grand-jury, on the oath of the party robbed or injured, and ſuch other evidence as can be produced touching the ſaid facts, according to the nature thereof; and the ſaid grand-jury ſhall thereupon, and are hereby required, on conſideration of the ſaid matter amongſt themſelves, to make ſuch preſentment touching the ſame, and of ſuch ſum or ſums of money as the perſon or perſons, ſo robbed or injured by ſuch offenders, ought to have or receive for ſuch loſs, injury, or damage, and by what perſons, whether papiſts or proteſtants, and

The method of ſatisfaction to perſons robbed, given by 7 *Wil.* 3. 21. tedious, difficult, and chargeable.

They ſhall petition at next aſſizes, 6 *Anne* 11. *unleſs the aſſiſes ſo near that notice can't be given.*

Setting forth the time and place, the goods loſt, or the damage, and the particular value, by what number, and of what religion, their names, and deſcriptions.

Upon examination in court on oath of the party, and other evidence, grand jury to preſent a ſum for ſatisfaction, and by what perſons, whether papiſts or proteſtants.

in

in what proportions for each of them the ſame ought to be paid; for which ſum, ſo preſented and ſet, proceſs ſhall iſſue in the nature of an execution againſt any inhabitant or inhabitants of the ſaid county chargeable therewith; and all and every the inhabitants of the ſaid county, who ſhall by ſuch preſentment be made chargeable with, or liable to, all or any part of the ſaid damages, ſhall be rateably and proportionably taxed for and towards an equal contribution for relief of ſuch inhabitant, or inhabitants, againſt whom ſuch proceſs in the nature of an execution is had; which tax ſhall be made, levied, and raiſed, by ſuch ways and means, and in ſuch manner and form, as is preſcribed and mentioned in a former ſtatute, intituled, *An Act for the following hue and cry*, made in the tenth and eleventh year of the reign of King Charles the firſt in this kingdom.

for which proceſs againſt any, who ſhall have contribution,

to be levied as by ſtat. 10. & 11 *C.* 1. 13.

III. Provided always, and it is hereby enacted, That if any perſon or perſons ſhall find him or themſelves agrieved by any preſentment, to be made in purſuance of this or the former act, ſuch perſon or perſons, in caſe the ſum preſented to be raiſed do exceed the ſum of five pounds, ſhall or may at the ſaid aſſizes traverſe the ſame; which traverſe ſhall be tryed at the ſame or the next enſuing aſſizes, as the judge or judges who ſhall allow the ſame, ſhall think fit; and if on ſuch traverſer the iſſue ſhall be found for the traverſer, ſuch preſentment ſhall be diſcharged; and if the iſſue ſhall thereupon be found againſt the traverſer, he or they ſo traverſing ſhall pay to the perſon or perſons, on whoſe behalf the preſentment was made, the ſum of twenty ſhillings for the coſts of ſuch traverſe, and the ſaid preſentment ſhall thereupon be final and concluſive to all perſons.

If above 5*l.* may be traverſed;

If found againſt traverſer, 20*s.* coſts, and the preſentment final.

IV. Provided further, and it is hereby enacted, That where the perſon or perſons, ſo robbed or injured, doth intend to proceed to recover ſatisfaction for the ſame at any aſſizes againſt the popiſh or proteſtant inhabitants of any barony, ſuch perſon or perſons ſhall leave notice in writing with the high-conſtable of ſuch barony of ſuch his intentions, and againſt what inhabitants, whether papiſts or proteſtants, by the ſpace of eight days at leaſt before ſuch aſſizes; to the end that ſuch high-conſtable may give publick notice thereof to the inhabitants of the ſaid barony deſigned to be charged therewith, that they may be provided, and have an opportunity to bring evidence for themſelves, and oppoſe the making ſuch preſentment, or otherwiſe may traverſe ſuch preſentment, after the ſame is made, if they ſhall think fit.

Eight days notice before aſſizes to be given in writing to high conſtable of the barony, and whether againſt papiſts or proteſtants.

V. And it is hereby further provided, That no ſuch preſentment to be hereafter made, ſhall at any time be removed by *certiorari*, or the proſecution thereupon otherwiſe delayed, then by ſuch traverſe as aforeſaid; and that for ſuch time only as ſhall be neceſſary

Preſentment not to be removed by *certiorari*, nor delayed, ſave by ſaid traverſe,

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neceſſary for the tryal of ſuch traverſe as aforeſaid; nor ſhall any ſuch preſentment be at any time quaſhed for any informality, imperfection, or defect in form whatſoever.

nor quaſhed for informality.

Property of ſaid goods, when diſcovered, ſhall be in ſaid inhabitants, who may recover the ſame,

VI. Provided further, and it is hereby enacted, That when and as often as any of the goods, for which the party ſo robbed hath received ſatisfaction by ſuch preſentment as aforeſaid, ſhall be diſcovered, ſo as the ſame, or ſatisfaction for them may be recovered, the perſon or perſons upon whom the ſum ſo preſented, as aforeſaid, was levied, ſhall have the ſame, and the property thereof is hereby declared and enacted to belong unto and be veſted in him or them, and he or they ſhall or may maintain ſuch action, and purſue ſuch remedy for the recovery and getting ſuch goods, as the perſon or perſons robbed might have had or maintained before ſuch ſatisfaction received by ſuch preſentment for the ſame as aforeſaid; ſuch goods nevertheleſs, after the ſame ſhall be ſo gotten or recovered, to be ſold for the moſt the ſame will yield, and the money made by ſuch ſale, after the charges for the recovery thereof are deducted, to be diſtributed and paid equally and proportionably unto and among the ſeveral perſons ſo taxed, towards the payment of the ſum contained in the ſaid preſentment, according to each of their ſaid ſeveral taxations, towards the relief of the perſons on whom the ſum preſented was levied; ſuch ſale and diſtribution to be directed, ſettled, and ordered by the juſtice or juſtices of the peace ſigning ſuch taxation; who are hereby authorized and required to direct, ſettle, and order the ſame accordingly.

to be ſold and diſtributed towards the preſentment as directed by the juſtices ſigning taxation.

Clerk of the crown on requeſt to deliver copies of preſentment, and of warrants for levying money.

VII. And it is hereby further enacted by the authority aforeſaid, That the clerk of the crown for the county where ſuch preſentment ſhall be made, ſhall, on requeſt to him made, make and deliver to any perſon or perſons deſiring the ſame true copies, ſigned by him, of all ſuch preſentments hereafter to be made in purſuance of this or the ſaid former act; and of all warrants or orders for the levying of any money grounded thereupon; for each of which there ſhall be paid to the ſaid clerk of the crown the ſum of one ſhilling only, and no more; and ſuch clerk of the crown is hereby required to make and deliver the ſame accordingly.

for each of which 1s. only paid.

Proceedings already had on the former act remain good.

VIII. Provided always, That this act, or any thing herein contained, ſhall not extend, or be conſtrued to extend, to annul or make void any verdict, judgment, or other proceedings already had or obtained in purſuance of the ſaid former act, but that the ſame ſhall continue, and be as good and effectual, to all intents and purpoſes, as if this act had never been made; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

IX. Provided always, and it is hereby further enacted, That during the continuance of this and the ſaid former act, no action or ſute ſhall be brought or proſecuted, for recovery of any ſatisfaction or damages for any robbery committed, or loſs or injury ſuſtained, for which remedy is given by this or the ſaid former act, or any other law or ſtatute whatſoever.

No action for damages, for which remedy given by theſe ſtatutes, during their continuance.

X. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, who already hath, or hereafter ſhall commit any robbery or burglary, ſhall, while he is at large and before he ſhall be apprehended or in cuſtody for ſuch offence, make diſcovery of any two or more of ſuch robbers, tories, or rapparees, being alſo at large and not in cuſtody, ſo as ſuch two or more robbers, tories, or rapparees, ſhall thereupon be apprehended and convicted for ſuch offence; or ſhall kill any two or more of ſuch tories, or robbers, as ſhall be indicted and proclaimed, according to the ſaid former act, and be out on their keeping at the time of ſuch their being killed; the perſon or perſons ſo making ſuch diſcovery, or killing ſuch robbers or tories as aforeſaid, ſhall not be proceeded againſt for any robbery or burglary by him or them committed before the making ſuch diſcovery, or ſuch killing, as aforeſaid; but ſhall be intitled unto, and ſhall have and receive, his Majeſty's gracious pardon for the ſame; which pardon ſhall in ſuch caſe alſo be a good bar to any appeal to be brought for ſuch robbery or burglary.

Robbers at large diſcovering two or more alſo at large, ſo as they may be convicted, or killing them when proclaimed, pardoned, *by 4 G. 1. 9. one or more. 9 G. 2. 6.*

which a good bar on appeal.

XI. And for that it hath and may be doubted, whether on the bringing ſuch proclaimed tory, rapparee, or robber to the bar, before ſuch judge or judges as are impowered to try and paſs ſuch a ſentence on him, it be requiſite to give in evidence againſt him the original preſentment, made by the grand-jury, of his being a tory, rapparee, or robber out on his keeping, according to the intent and meaning of the ſaid former act; and alſo it hath and may be doubted, whether the original proclamation under the great ſeal, grounded on ſuch preſentment, muſt be produced in evidence againſt him; or whether the printed proclamation, reciting ſuch preſentment to be made and returned to the clerk of the council, of his, the ſaid tories, rapparees, or robbers being ſo preſented, ſhall be ſufficient evidence at law wherein to give judgment againſt him: for clearing whereof, and that for the future ſo good and neceſſary a law for the quiet and preſervation of his Majeſty's good ſubjects againſt ſuch proclaimed tories, rapparees, and robbers, may not by any ſuch ſcruples and niceties be eluded, or the execution thereof delayed; be it enacted by the authority aforeſaid, That at all times hereafter, during the continuance in force of this or the ſaid former act, the printed proclamation, wherein any perſon is named or mentioned to be preſented by a grand-

Doubt whether neceſſary to produce in evidence the original preſentment againſt a tory, *&c.* out on keeping, and the original proclamation grounded thereon.

The printed proclamation of perſons preſented as tories, *&c.* out on keeping ſufficient evidence.

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grand-jury of any county in this kingdom, at the general aſſizes or quarter-ſeſſions held for the ſaid county, to be a tory, rapparee, or robber out on his keeping, ſhall be taken, deemed, and adjudged ſufficient evidence againſt ſuch tory, rapparee, or robber.

Clerk of the council to indorſe thereon a certificate that he hath ſuch preſentment, that ſaid proclamation was grounded thereon, and that the original agrees *verbatim*, which ſhall be ſent to the clerks of the crown, without fee.

XI. Provided, That before ſuch proclamation ſo given in evidence, the clerk of the council for the time being, or his deputy, do certify under his hand and ſeal on the back of ſuch proclamation, that he hath ſuch preſentment, as by the ſaid act is required, returned to him, and remaining in his office, wherein the ſaid tory, rapparee, or robber, is by name preſented to be a tory, rapparee, or robber, out on his keeping, by the ſame name that he is named or ſtiled in the ſaid proclamation, and that the ſaid proclamation was grounded thereon, and that the original proclamation under the great ſeal agrees *verbatim* with the printed proclamation, whereon he has written ſuch his certificate; which proclamation, with ſuch certificate endorſed thereon, the ſaid clerk of the council for the time being, or his deputy, ſhall ſend to the ſeveral clerks of the crown in this kingdom, without any fee or reward.

Continuance 7 years, &c. *ſo far as not altered by* 6 G. 1. 12. *continued till* 25 *March* 1757, &c. *by* 9 G. 2. 6. 29 G. 2. 8. *further continued for* 21 *years, and to the end of the next ſeſſ.*

XII. And be it further enacted, That this and the former act ſhall continue in force for ſeven years, from the ſixth of November one thouſand ſix hundred ninety ſeven, and to the end of the next ſeſſion of Parliament after the expiration of the ſaid ſeven years, and no longer.

CHAP. X.

An Act for the preventing frivolous and vexatious Law-ſuits; and giving Remedy to the Parties grieved to recover their Coſts at Law, in certain Caſes, where heretofore no Coſts were given.

8 & 9 *Wil.* 3. 11. *Eng.*

WHEREAS it is found by daily experience in the courts at law, That divers malicious and evil-diſpoſed perſons on purpoſe, without any juſt cauſe of ſuit, do make ſeveral innocent perſons defendants, jointly with others, againſt whom they conceive they have good cauſe of action; and ſo, though ſuch innocent perſon or perſons ſo joined in the ſaid action ſhall be found not guilty, and acquitted of the ſaid action, yet if any of the other joint-defendants ſhall be found guilty, and a verdict paſs againſt them by the common laws of this realm, ſuch defendant or defendants ſo acquitted, after all his or their trouble and expence in defending ſuch action, is without remedy to recover any coſts of ſuit againſt ſuch plaintiffs, for ſuch his or their unjuſt vexation, contrary to all reaſon and juſtice: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and

Defendants acquitted could not by common law recover coſts, if there was a verdict againſt other joint defendants.

commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the firſt day of May, which ſhall be in the year of our Lord God one thouſand ſix hundred and ninety eight, if any perſon or perſons ſhall be made defendant or defendants with others in any action, ſuit, or plaint, in treſpaſs *quare clauſum fregit*, or treſpaſs of aſſault and battery; and ſuch perſon or perſons, ſo joined in ſuch action, ſhall upon tryal of the ſame be acquitted by verdict, although the other defendant or defendants in ſuch action ſhall be found guilty, and a verdict paſs againſt him or them therein; every ſuch perſon and perſons ſo acquitted ſhall have and recover his and their coſts of ſuit, for ſuch his and their unjuſt vexation, as if a verdict had been given againſt ſuch plaintiff or plaintiffs, or a verdict had been given for all the defendants in ſuch action; unleſs the judge or judges, before whom ſuch cauſe ſhall be tryed, ſhall immediately after the tryal thereof in open court certify upon the record under his hand, that there was a reaſonable cauſe for the making ſuch perſon or perſons defendant or defendants to ſuch action or plaint.

ſuch defendant acquitted in any action, in *treſpaſs*, ſhall have coſts though others found guilty,

unleſs the judge immediately certifies on the record that there was reaſonable cauſe.

II. And whereas by the law, as it now ſtands, no coſts of ſuit can be awarded or given to any perſon or perſons in any action, that ſhall happen to recover, or have any judgment given for him, upon any demurrer in law; by reaſon whereof many contentious perſons make uſe of ſuch manner of delays, on purpoſe to keep others from their juſt right, or otherwiſe intending thereby to weary them into ſome ſmall compoſition for what is really due unto them: for remedy whereof, be it further enacted, That if, at any time from and after the ſaid firſt day of May, any perſon or perſons, who ſhall commence or proſecute any action or plaint in any court of record, whereupon any demurrer or demurrers ſhall be joined by any plaintiff or defendant, demandant or tenant, in any ſuch ſuit or ſuits, he or they, for whom judgment or judgments ſhall be given upon any ſuch demurrer or demurrers, ſhall have and recover his and their coſts of ſuit, to be awarded by the court in ſuch like manner, as if ſuch judgment or judgments had been given, or recovery had, by ſuch party or parties, upon action tryed by jury, and verdict paſſed for ſuch party therein; and that if any perſon or perſons, from and after the firſt day of May, as aforeſaid, ſhall obtain ſuch, or any other, judgment or judgments in any his Majeſty's courts of record in this kingdom, or any the courts of the county palatine of Tipperary, and the perſon or perſons, againſt whom ſuch judgment or judgments ſhall be ſo given, ſhall in delay of execution thereupon, and with intent to annul ſuch judgment or judgments, ſue forth any writ, writs or error; and afterwards the ſaid judgment or judgments ſhall be affirmed,

At law no coſts on judgment on demurrer.

on judgment on demurrer, coſts, as if on verdict. 4 *G.* 1. 13. *where judgment on demurrer againſt plaintiff, defendant ſhall recover coſts.*

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affirmed, or the ſaid writ or writs of error diſcontinued, or the plaintiff or plaintiffs therein become non-ſuit; that then, and in every ſuch caſe, the party or parties, againſt whom ſuch writ or writs ſhall be ſo brought, ſhall recover his and their coſts and damages, at the diſcretion of the juſtices, before whom ſuch writ or writs ſhall be ſo ſued, and to have execution for ſuch his or their damages or coſts ſo recovered, by writs of *capias ad ſatisfaciendum*, *fieri facias*, or *elegit*, or any of them, at the election of ſuch party or parties, for whom ſuch damages and coſts ſhall be ſo awarded.

If on error judgment affirmed, or a diſcontinuance or non-ſuit, coſts and damages at diſcretion of juſtices, by *ca. ſa. fi. fa.* or *elegit*.

III. And whereas, by the laws of this realm, no coſts of ſuit are recoverable in any action of waſt or debt, to be brought upon the ſtatute for not ſetting forth of tythes, nor in any writ of *ſcire facias*, or prohibition, which hath been found very miſchievous and prejudicial to the ſutors in ſuch actions, and to ſuch perſons as, for the recovering their juſt rights, have been forced to ſue forth the ſame: for reformation whereof for the future, be it further enacted by the authority aforeſaid, That from and after the firſt day of May aforeſaid, if any perſon or perſons bring any action of waſt, or action of debt upon the ſtatute for not ſetting forth of tythes: in which ſaid ſeveral actions the ſingle value or damage, found by the jury or juries in any ſuch action, ſhall not exceed the ſum of three pounds; the plaintiff or plaintiffs recovering, either by judgment upon verdict, or demurrer, in ſuch action or actions, ſhall likewiſe have and recover his and their coſts of ſuit, at the like diſcretion of the juſtices before whom ſuch writ or writs ſhall be brought, and judgment and judgments therein given; as alſo if any perſon or perſons ſhall after the time aforeſaid ſue forth any writ or writs of *ſcire facias*, or commence any ſuit or ſuits in prohibition, and recover and have judgment in the ſame, either by verdict or upon demurrer, every ſuch plaintiff or plaintiffs ſo recovering ſhall likewiſe have and recover his and their coſts of ſuit in ſuch action or actions, at the diſcretion of the juſtices, before whom ſuch diſcovery ſhall be ſo had: and if it ſhall happen, in any the ſuits aforeſaid, that the plaintiff or plaintiffs in ſuch action or actions ſhall become non-ſuit, or verdict or verdicts paſs againſt him or them in ſuch ſuit or action, or he or they ſhall diſcontinue ſuch his or their ſuit or action, then in all ſuch caſes the defendant or defendants in ſuch action or actions ſhall have and recover his and their coſts of ſuit, in ſuch manner as ſuch plaintiff or plaintiffs ſhould have done, if he or they had recovered, and had judgment given for them in ſuch action or actions as aforeſaid; any law, cuſtom, practice, or uſage to the contrary thereof in any wiſe notwithſtanding: and that in all the actions aforeſaid, where any of the party

On judgment upon verdict or demurrer in *waſte* or *debt* on the ſtatute for tithes, in which the ſingle value exceeds not 3*l.* coſts alſo at diſcretion,

ſo on *ſci. fa.* or prohibition.

if in ſuch actions plaintiff non-ſuit, diſcontinue, or verdict againſt him, coſts in like manner for defendants.

party or parties to the ſame ſhall ſo recover their coſts of ſuit, it ſhall and may be lawful to and for them, or any of them, to ſue forth execution for ſuch his or their coſts, by writs of *capias ad ſatisfaciendum*, *fieri facias*, or *elegit*, as aforeſaid.

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Execution for ſaid coſts by *ca. ſa. fi. fa.* or *elegit*.

IV. And for the preventing wilful and malicious treſpaſſes to be brought for the future, be it further enacted, That from and after the firſt day of May aforeſaid, in all actions of treſpaſs, to be commenced and proſecuted in any of his Majeſty's courts of record at Dublin, wherein at the trial of the cauſe it ſhall appear, and be certified by the judge or judges, before whom ſuch cauſe ſhall be tryed, under his or their hands on the back of the record, that the treſpaſs, upon which any defendant ſhall be found guilty, was wilfully and maliciouſly committed; in every ſuch caſe the plaintiff ſhall not only recover his damages aſſeſſed by the jury, but his full coſts of ſuit, to be taxed for him by the direction of the court, where ſuch action ſhall be tryed.

In *treſpaſs* defendant found guilty, if certified by the judge on back of record to be wilful and malicious, plaintiff ſhall have damages, and full coſts taxed by direction of court.

V. Provided nevertheleſs, That no alteration of the ſame ſhall be made in any the caſes aforeſaid, where any executor or adminiſtrator ſhall be defendant in any the actions or ſuits aforeſaid, ſo at any time hereafter to be brought againſt them; but that in all ſuch caſes they ſhall not be liable or ſubject to payment of any coſts of ſuit otherwiſe, or in any other manner, than as the law now requires.

The law, as to executors or adminiſtrators defendants, not altered.

VI. And for the preventing the abatement and diſcontinuance of proceſs for the future in certain caſes, and the helping the law in the particulars following: be it likewiſe enacted by the authority aforeſaid, That in all actions, to be commenced or brought in any court of record within this kingdom from and after the firſt day of May aforeſaid, if it ſhall happen that any perſon or perſons, being plaintiff or plaintiffs in ſuch action or actions, ſhall die after he or they ſhall have obtained any interlocutary judgment or judgments in ſuch action or actions, and before a full and final judgment or judgments given therein; the death of ſuch plaintiff or plaintiffs ſhall not abate ſuch action or actions, or hinder the further proceedings of ſuch cauſe; but that, notwithſtanding ſuch dying of ſuch plaintiff or plaintiffs, his or their executors or adminiſtrators may proceed to final judgment againſt the defendant or defendants in ſuch action or actions, as is hereafter ſet forth; (if ſuch action or actions ſhall happen to be ſuch as by law may or might have been commenced or maintained originally by any executor or adminiſtrator) as ſuch plaintiff or plaintiffs aforeſaid might have done, if alive: and if it ſhall happen that in any ſuch action or actions the defendant or defendants in the ſame ſhall die after ſuch interlocutary, and before ſuch final

Death of plaintiff, after interlocutory and before final judgment, ſhall not abate, but executor, &c. (if ſuch action as originally maintainable by executor) may proceed:

ſo on death of defendant

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final judgment or judgments obtained as aforeſaid, ſuch dying ſhall not abate ſuch action or actions, but that then, notwithſtanding the death of ſuch defendant or defendants, it ſhall and may be lawful to and for ſuch plaintiff or plaintiffs in ſuch action or actions, if living, and, if dead, his executor or adminiſtrator, to proſecute ſuch their action or actions againſt the executors or adminiſtrators of ſuch defendant or defendants, and proceed againſt them to final judgment therein, as is likewiſe hereafter in that behalf ſet forth and provided, as if the ſaid defendant or defendants themſelves had been living, if ſuch action or actions be ſuch as may or might by law be originally brought and proſecuted againſt an executor or adminiſtrator; and that in caſe of the death of ſuch plaintiff or plaintiffs as aforeſaid, it ſhall and may be lawful to and for his and their executors or adminiſtrators, or any of them, to ſue forth and proſecute one or more writ or writs of *ſcire facias* againſt the defendant or defendants in ſuch action or actions, if then living, or, if dead, againſt the executors or adminiſtrators of ſuch defendant or defendants, for reviving and continuing ſuch ſute or ſutes, till judgment final ſhall be given therein; and in caſe of the death of ſuch defendant or defendants as aforeſaid, it ſhall and may be lawful to and for ſuch plaintiff or plaintiffs, if living, and, if dead, his or their executors or adminiſtrators, or any of them, in like manner, to ſue forth and proſecute one or more writ or writs of *ſcire facias* againſt the executors or adminiſtrators of ſuch defendant or defendants, for reviving and continuing ſuch ſute or ſutes, till judgment final ſhall be given therein, as aforeſaid; the effect of which ſaid writ or writs of *ſcire facias* ſhall be for the party or parties againſt whom the ſame ſhall be awarded, to ſhew cauſe why, notwithſtanding ſuch the death of any the parties to ſuch ſute or ſutes aforeſaid, the plaintiff or plaintiffs in the ſaid writ or writs of *ſcire facias*, his or their executors or adminiſtrators, ſhould not proceed to judgment final therein, for the recovery of ſuch debt or damage for which ſuch action or actions was at firſt brought: and if at the return of ſuch writ or writs of *ſcire facias*, the defendant or defendants named therein ſhall appear, but not ſhew ſufficient cauſe to ſtay or arreſt the judgment final, or in default of ſuch appearance, it ſhall be returned that ſuch defendant or defendants were duly warned, or, after two ſuch writs of *ſcire facias* returned, it be returned that the ſaid defendant or defendants could not be found in the bailiwick where ſuch ſummons iſſued, or that they had nothing in the ſaid bailiwick, by which they, or any of them, could be ſummoned,

Scire facias may be brought to revive and continue,

and that defendants, executors, &c. ſhew cauſe why judgment final ſhould not be proceeded to;

if at the return defendants ſhew not cauſe, or in default of appearance where duly warned, or after two *ſcire facias* returned cannot be found or

that

that then, in every ſuch caſe, one or more writ or writs of inquiry of damage ſhall be awarded for the plaintiff or plaintiffs in ſuch writ or writs of *ſcire facias* againſt ſuch defendant or defendants therein named; upon return of which ſaid writ or writs of inquiry, duly executed, judgment final ſhall be given for every ſuch plaintiff or plaintiffs, againſt every ſuch defendant or defendants, in ſuch writ or writs of *ſcire facias* as aforeſaid.

have nothing in the bailiwick, writs of inquiry of damage awarded, upon return whereof judgment final.

VII. And be it further enacted for the purpoſes aforeſaid, That if at any time after the time limited, as aforeſaid, two or more perſons ſhall be jointly plaintiffs in any action or actions againſt two or more perſons, likewiſe jointly named defendants therein, the death or deaths of one or more of ſuch plaintiff or plaintiffs, or ſuch defendant or defendants, ſhall not abate ſuch writ or writs in ſuch action or actions; but that the ſame being ſuggeſted upon the roll, or record, of ſuch action or actions, it ſhall and may be lawful to and for the ſurviving plaintiff or plaintiffs in ſuch action or actions, to proceed to judgment againſt the ſurviving defendant or defendants in the ſame, as if ſuch death had not been.

Death of one joint plaintiff or defendant ſhall not abate: but on ſuggeſtion thereof on the record the action may proceed.

VIII. And whereas by the law as it now ſtands, if any action or ſute be commenced or brought upon any bond, or other penal ſum, for performance of covenants, or other agreements, in any deed or indenture, the party that brings the ſame can aſſign only one breach of covenant; although there are in truth ſeveral breaches committed, of which the party plaintiff in ſuch action can have no benefit or reparation, notwithſtanding that he is really damnified by reaſon thereof: for remedy whereof, be it further enacted by the authority aforeſaid, That in all actions which from and after the ſaid firſt day of May ſhall be commenced or proſecuted in any of his Majeſty's courts of record in this kingdom, or any the courts of the county palatine of Tipperary, upon any bond or bonds, or on any penal ſum, for non-performance of any covenants or agreements in any indenture, deed, or writing contained, the plaintiff or plaintiffs may aſſign as many breaches of the ſaid covenants or agreements, as he or they ſhall think fit; and thereupon it ſhall and may be lawful for the jury, upon ſuch tryal of ſuch action or actions, not only to aſſeſs ſuch damages and coſts of ſute as have been heretofore uſually done in ſuch caſes, but alſo to give damage for ſuch of the ſaid breaches, ſo to be aſſigned, as ſuch plaintiff or plaintiffs, upon ſuch tryal of the iſſues taken therein, ſhall prove to have been broken, and that the like judgment or judgments ſhall be entred on every ſuch verdict or verdicts, as heretofore have been uſually done

8 & 9 *W.* 3. 11. *ſec.* 8. *Eng.*

in actions on bond, or penal ſum, for non performance of covenants, plaintiff may aſſign as many breaches as he pleaſes:

and the jury may aſſeſs not only uſual damages and coſts, but alſo for ſuch of ſaid breaches as proved: and judgment on ſuch verdict as uſual,

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in ſuch like caſes: and if it ſhall happen that ſuch defendant or defendants ſhall not plead to the iſſue, but judgment ſhall be given againſt him or them for ſuch plaintiff or plaintiffs upon demurrer, or by *nihil dicit*, *non ſum informatus*, *cognovit actionem*, or the like; then and in ſuch caſe it ſhall and may be lawful to and for ſuch plaintiff or plaintiffs to ſuggeſt upon the roll of record, in ſuch action or actions, ſuch and as many breaches of the ſaid covenants and agreements, as he or they ſhall think fit; upon which ſaid ſuggeſtion, one or more writ or writs ſhall iſſue, directed to the ſheriff of that county where ſuch action or actions ſhall be brought, to ſummon a jury to appear before the juſtice or juſtices of aſſize, or *niſi-prius*, at their next coming into that county, to enquire of the truth of every one of thoſe breaches, and ſuch jury to aſſeſs the ſaid damages ſeverally, which the ſaid plaintiff or plaintiffs ſhall have ſuſtained, for every of the ſaid breaches ſo aſſigned as aforeſaid; in which ſaid writ it ſhall be likewiſe commanded to the ſaid juſtice or juſtices of aſſize, or *niſi-prius*, before whom ſuch damages ſhall be ſo given, that he or they ſhall make a full and certain return of the ſaid writ or writs, and the due execution thereof, to the court from which the ſame ſhall ſo iſſue, according to the exigency thereof, and the time therein mentioned; which ſaid writ or writs ſo returned ſhall be filed, and thereupon judgment or judgments ſhall be entered in the ſaid court, on ſuch return, as in caſes of writs of enquiry of damages of the like nature; and in caſe the defendant or defendants, after ſuch judgment entered and before execution executed, ſhall pay into the court where the ſaid action ſhall be brought, to the uſe of the plaintiff or plaintiffs, his or their executors or adminiſtrators, ſuch damages ſo aſſeſſed by the jury by reaſon of all or any the breaches of ſuch covenants, together with the coſts of ſute, that then a ſtay of execution ſhall be entered upon the record of the ſaid judgment, and made accordingly for that time, as alſo whenſoever it ſhall happen, that by reaſon of any execution ſued forth and executed upon ſuch judgment, the plaintiff or plaintiffs, his or their executors or adminiſtrators, ſhall be fully ſatisfied or paid all his or their debt or damages ſo aſſeſſed, or the penalty of ſuch bond, or bill penal, at the election of the defendant, together with his or their coſts of ſute, and all reaſonable charges and expences for executing the ſaid execution; that then and from thenceforth the body, goods, and lands of ſuch defendant ſhall be diſcharged from ſuch execution, which ſaid diſcharge ſhall likewiſe be entered upon the record of the roll of the ſaid judgment: yet it is hereby declared, that notwithſtanding

if defendant plead not, but judgment for plaintiff on demurrer *nil dicit*, &c. plaintiff may ſuggeſt on the roll as many breaches as he will, upon which a writ to the ſheriff to ſummon a jury next aſſizes to inquire the truth of each, who may aſſeſs damages ſeverally.

The juſtices to make return at the time in the writ, and thereon judgment to be entered.

Defendant paying into court ſuch damages and coſts, ſtay of execution ſhall be entered on the record.

Whenever by execution the plaintiff fully ſatisfied for the debt or damages, or the penalty of the bond or bill (at election of defendant) with coſts and reaſonable charges, defendant diſcharged. which alſo entered on the record.

ſtanding ſuch diſcharges or ſtay of ſuch executions, and the entry or entries of either or any of them as aforeſaid, upon record where ſuch damages do not amount to the penalty of ſuch bond or bill penal, ſuch judgment or judgments ſhall ſtill remain, continue, and be in full force, vigour and effect to the purpoſes hereafter mentioned: (that is to ſay) as a further ſecurity to anſwer to ſuch plaintiff or plaintiffs, and his or their executors or adminiſtrators, all ſuch damages as ſhall, or may be at any time afterwards ſuſtained, for, or by reaſon of any further breach of any the covenant or covenants in ſuch indenture, deed, or writing contained, if any ſuch ſhall happen to be, and no ſatisfaction be made for the ſame as aforeſaid, as far as the remainder of ſuch penalty, after the payment of the damage formerly recovered out of the ſame will reach; upon which ſaid breach or breaches, ſuch plaintiff or plaintiffs may have and ſhall be at liberty to ſue forth a writ of *ſcire facias* upon the ſaid judgment againſt ſuch defendant or defendants, his or their executors, or adminiſtrators, or againſt his heirs or ter-tenants, grounded upon ſuggeſtion of other breach or breaches of the ſaid covenants or agreements upon the roll of the ſaid judgment as aforeſaid, and thereupon to ſummon him or them reſpectively, to ſhew cauſe why execution ſhould not be had or awarded upon the ſaid judgment; upon which there ſhall be the like proceedings as was in the original action of debt brought upon the ſaid bond or obligation, for aſſeſſing of damages upon tryal of iſſues joyned upon ſuch breaches or, in caſe of default, upon a writ of inquiry thereof, to be awarded in manner as aforeſaid.

If the damages amount not to the penalty, ſuch judgment ſhall remain in force to anſwer any damage by further breach, as far as remainder of the penalty reaches, upon which plaintiff may have *ſcire facias*, and the like proceedings.

IX. Provided always, That upon payment, or ſatisfaction to be made of all ſuch future damages, coſts, and charges, in manner as aforeſaid, or of ſo much of ſuch future damages as the remaining ſum of the penalty of ſuch bond or bill penal, after payment and ſatisfaction for the damages formerly recovered, will extend unto, together with coſts of ſute, all further proceedings on the ſaid judgment ſhall again be ſtayed, and ſo *toties quoties* (as occaſion ſhall require) upon every new breach, the ſaid judgment to be made uſe of as far as aforeſaid, and no further; and upon ſatisfaction made in manner aforeſaid, the defendant, his body or goods, and lands, to be again freed and diſcharged out of execution as aforeſaid.

On ſatisfaction of ſuch future damages, proceedings again ſtayed; and ſo *toties quoties* on every new breach.

A. D. 1697.

CHAP. XI.

An Act to prevent Frauds by clandeſtine Mortgages.

4 and 5 *W.* and *M.* 16. *Eng.*

WHEREAS great frauds and deceits are too often practiſed by neceſſitous and evil diſpoſed perſons, in borrowing of money, and giving judgments, ſtatutes, and recognizances privately, for ſecuring the repayment of the ſaid money, and the ſame perſons do afterwards borrow money, upon ſecurity of their lands, of other perſons, and do not acquaint the latter lender thereof with the ſame, whereby ſuch latter lender is very often in danger to loſe his whole money, or forced to pay off the debts ſecured by the ſaid judgments, ſtatutes, and recognizances, before they can have any benefit of the ſaid mortgages: and whereas divers perſons do many times mortgage their lands more than once, without giving notice of their firſt mortgage, whereby lenders of money upon ſecond or after mortgages do often loſe their money, and are put to great charges in ſuits, and otherwiſe: for remedy whereof, and preventing the ſame as much as may be for the future, may it pleaſe your ſacred Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, that if any perſon or perſons, from and after the firſt day of April which ſhall be in the year of our Lord God one thouſand ſix hundred and ninety eight, ſhall borrow any money, or for any other valuable conſideration for the payment thereof voluntarily give, acknowledge, permit, or ſuffer to be entred againſt him or them one or more judgment or judgments, ſtatute or ſtatutes, recognizance or recognizances, to any perſon or perſons, creditor or creditors, and if the ſame borrower or borrowers, debtor or debtors, ſhall afterwards take up or borrow any other ſum or ſums of money of any other perſon or perſons, or for other valuable conſideration become indebted to ſuch perſon or perſons, and for ſecuring the repayment and diſcharge thereof ſhall mortgage, his, her, or their lands or tenements, or any part thereof, to the ſaid ſecond, or other lender or lenders of the ſaid money, creditor or creditors, or to any other perſon or perſons in truſt for, or to the uſe of ſuch ſecond, or other lender or lenders, creditor or creditors, and ſhall not give notice to the ſaid mortgagee or mortgagees of the ſaid judgement or judgments, ſtatute

Mortgagor not giving notice in writing to mortgagee of prior judgments, ſtatutes, or recognizances, ſhall not have equity of redemption.

ſtatute or ſtatutes, recognizance or recognizances, in writing under his, her, or their hand or hands, before the execution of the ſaid mortgage or mortgages, unleſs ſuch mortgager or mortgagers, his, her, or their heirs, upon notice to him, her, or them, given by the mortgagee or mortgagees of the ſaid lands and tenements, his, her, or their executors, adminiſtrators, or aſſigns, in writing under his, her, or their hands and ſeals, atteſted by two or more ſufficient witneſſes, of any ſuch former judgment or judgments, ſtatute or ſtatutes, recognizance or recognizances, ſhall within ſix months after ſuch notice given pay off and diſcharge the ſaid judgment or judgments, ſtatute or ſtatutes, recognizance or recognizances, and all intereſt and charges due thereupon, and cauſe or procure the ſame to be vacated or diſcharged by record; that then the mortgager or mortgagers of the ſaid lands and tenements, his, her, or their heirs, executors, adminiſtrators, or aſſigns, ſhall have no benefit or remedy againſt the ſaid mortgagee or mortgagees, his, her, or their heirs, executors, adminiſtrators, or aſſigns, or any of them, in equity or elſewhere, for redemption of the ſaid lands and tenements, or any part thereof; but the ſaid mortgagee and mortgagees, his, her, or their heirs, executors, adminiſtrators, and aſſigns, ſhall and may hold and enjoy the ſaid lands and tenements, for ſuch eſtate, and term therein, as were or was granted and ſettled to the ſaid mortgagee or mortgagees, againſt the ſaid mortgager or mortgagers, and all perſon and perſons lawfully claiming from, by or under him, her or them, freed from equity of redemption, and as fully to all intents and purpoſes whatſoever, as if the ſame had been purchaſed abſolutely, and without any power or liberty of redemption.

Unleſs in ſix months after notice to him in writing by mortgagee under hand and ſeal, atteſted by two witneſſes, he diſcharges or procures the ſame to be vacated.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, who have or hath once mortgaged, or from and after the ſaid firſt day of April ſhall mortgage, any lands or tenements to any perſon or perſons, for ſecurity of money lent, or otherwiſe accrued, or become due, or for other valuable conſiderations; and if the ſaid mortgager or mortgagers ſhall again mortgage the ſame lands or tenements, or any part thereof, to any other perſon or perſons for valuable conſiderations, the ſaid former mortgage being in force, and not diſcharged, and ſhall not diſcover to the ſaid ſecond or other mortgagee or mortgagees, or ſome or one of them, the former mortage or mortgages, in writing under his or their hands; that then, and in thoſe caſes alſo, the ſaid mortgager or mortgagers, his, her, or their heirs, executors, adminiſtrators or aſſigns, ſhall have no relief or equity of redemption againſt the ſaid ſecond or after mortgagee or mortgagees, his, her, or their

Subſequent mortgagees, without notice given of prior, ſhall alſo hold free from equity of redemption.

A. D 1697. heirs, executors, adminiſtrators, or aſſigns, upon the ſaid after mortgage or mortgages, but that ſuch mortgagee or mortgagees, his, her, or their heirs, executors, adminiſtrators, and aſſigns, ſhall and may hold and enjoy ſuch, more than once mortgaged lands and tenements, for ſuch eſtate and term therein, as were or was granted and conveyed by the ſaid mortgager or mortgagers, againſt him, her, or them, his, her, or their heirs, executors, or adminiſtrators reſpectively, freed from equity of redemption, and as fully to all intents and purpoſes as if the ſame had been an abſolute purchaſe, and without any power or liberty of redemption.

Subſequent mortgagees may redeem the former.

III. Provided always, and be it further enacted by the authority aforeſaid, That nevertheleſs if it ſo happen that there be more than one mortgage at the ſame time, made by any perſon or perſons to any perſon or perſons of the ſame lands and tenements, the ſeveral late or under mortgagees, his, her, or their heirs, executors, adminiſtrators, or aſſigns, ſhall have power to redeem any former mortgage or mortgages, upon payment of the principal debt, intereſt, and coſts of ſute to the prior mortagee or mortgagees, his, her, or their heirs, executors, adminiſtrators, or aſſigns; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Widow of mortgager, not joining in ſuch mortgage, not barred her dower.

IV. Provided always, That nothing in this act contained ſhall be conſtrued, deemed, or extended to bar any widow of any mortgager of lands or tenements from her dower and right in or to the ſaid lands, who did not legally join with her huſband in ſuch mortgage, or otherwiſe lawfully bar or exclude herſelf from ſuch her dower or right.

CHAP. XII.

An Act for the more eaſy obtaining Partition of Lands in Co-parcenary, Jointenancy, and Tenancy in common, and bounding and mearing of Lands.

8 & 9 *W.* 3. 31. *Eng.*

WHEREAS the proceedings upon writs of partition between co-parceners by the common law, or cuſtom, joint-tenants, or tenants in common are found by experience to be tedious, chargeable, and oftentimes ineffectual, by reaſon of the difficulty of diſcovering the perſons and eſtates of the tenants of the ſeveral manors, meſſuages, lands, tenements, and hereditaments to be divided, and the defective and dilatory executing and returning of the proceſs of ſummons, attachment, and diſtreſs, and other difficulties and impediments in making and eſtabliſhing of partitions; by reaſon of which, divers perſons having

A. D. 1697. Chap. 12.

ing undivided parts, or purparts, are greatly prejudiced and oppreſſed, and the premiſſes are frequently waſted or lye uncultivated, or not improved, and the profits of the ſame thereby totally are in a great meaſure loſt: for remedy thereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from the ſixth day of November one thouſand ſix hundred ninety ſeven, and after proceſs of ſummons or attachment upon any writ of partition returned, and affidavit made thereupon by any ſufficient and credible perſon, that due notice in writing is or hath been given of the ſaid writ of partition to the tenant or tenants to the ſaid writ of action, and a copy thereof left with the occupier, or tenant or tenants in poſſeſſion of the ſaid lands, or if they or any of them cannot be found, then to the wife, ſon, or daughter, being of the age of one and twenty years, or upwards, of ſuch tenant or tenants to the ſaid writ or actions, or tenant in actual poſſeſſion as aforeſaid, by vertue of any eſtate of freehold for years, or at will, or any uncertain intereſt of or in the ſaid manors, lands, tenements, and hereditaments whereof the ſaid partition is ſo demanded (unleſs the ſaid tenant in actual poſſeſſion be demandant in the ſaid action) at the leaſt forty days before the day of the return of the ſaid ſummons or attachment; if in ſuch caſe the tenant or tenants to ſuch writ, or tenant in poſſeſſion to the manors, lands, tenements, and hereditaments as aforeſaid, or any of them, ſhall not within the term after return of ſuch writ or ſummons or attachment, or the term following the ſame, cauſe an appearance to be entred in ſuch court, where ſuch writ of ſummons or attachment ſhall be returnable, then, and in default of ſuch appearance, the demandant having filed his declaration, the court may and ſhall proceed to examine the title of the ſaid demandant ſet forth in his declaration, and the content or quantity of his part or purpart of the ſaid lands and premiſſes; and according as they ſhall find his right part and purpart to be, they ſhall for ſo much cauſe judgment by default to be entred for the ſaid demandant; and thereupon order and award a writ to make partition, whereby ſuch proportion, part, and purpart may be ſet out to him in ſeveralty; of which ſaid writ of execution notice ſhall be given to the occupier, tenant or tenants, of the ſaid manors, lands, tenements, and hereditaments, at leaſt ſix days before the execution thereof; and the ſame being after ſuch notice duly executed and returned, and final judgment thereupon entered, the ſame ſhall be good, binding, and concluſive to all perſons whatſoever, and to the ſeveral rights, titles, and intereſts

After ſummons or attachment on writ of partition returned, and affidavit of due notice in writing to the tenants to the writ, and a copy left with the occupier; or, if they not found, then to the wife, ſon, or daughter, 21 years old (unleſs ſaid tenant in actual poſſeſſion be demandant in the action (40 days at leaſt before return of ſaid ſummons or attachment,

on default of appearance the term after return, or the term following, the court may examine the demandant's title in his declaration, and quantity of his part,

and give judgment for ſo much, and award writ of partition,

of which 6 days notice before execution to be given to the occupier or tenants.

A. D. 1697. Chap. 12.

tereſts which they or any of them have, or ſhall at any time claim, or pretend to have, in any of the ſaid manors, lands, tenements, and hereditaments mentioned in the ſaid judgment and writ of partition ſo awarded as aforeſaid, although all perſons concerned are not named in the proceedings thereupon, nor the title of the tenants to the ſaid writ truly ſet forth.

when executed judgment final, tho' all concerned not named nor the title of tenants truly ſet forth.

II. Provided always, That if ſuch tenant or tenants, or perſon concerned, or any of them, againſt whom, or their right or title, ſuch judgment by default is given, ſhall within the ſpace of one year after the firſt judgment entred, or in caſe of infancy, coverture, *non ſane memorie*, or abſence out of the kingdom, then within one year after his, her, or their return, or the determination of ſuch inability, apply themſelves by motion to the court where ſuch judgments are entred, and ſhew good and probable matter in bar of ſuch partition, or that the demandant hath not title to ſo much as he hath ſo recovered; then and in ſuch caſe the court may ſuſpend or ſet aſide ſuch judgment, and admit the tenant or tenants to appear and plead, and the cauſe ſhall proceed according to due courſe of law, as if no ſuch judgment had been given: and if the court, upon hearing thereof, ſhall adjudge for the firſt demandant, then the ſaid firſt judgment ſhall ſtand confirmed, and be good againſt all perſons whatſoever, except ſuch other perſons as ſhall be abſent or diſabled as aforeſaid; and the perſon or perſons ſo appealing ſhall be awarded thereupon to pay coſts; or if within ſuch time or times aforeſaid, the tenants or perſons concerned, admitting the demandant's title, parts, or purparts, ſhall yet ſhew to the court any inequality in the partition, the court may award a new partition to be made in preſence of all parties concerned, if they will appear, notwithſtanding the return and filing upon record of the former; which ſaid ſecond partition returned and filed ſhall be good, valid, and firm for ever againſt all perſons whatſoever, except as before excepted.

Tenants or perſons concerned may in 1 year after judgment; infants, &c. in 1 year after inability removed, ſhew matter in bar of partition, and court may ſuſpend or ſet aſide the judgment, and admit to appear and plead, and, if judgment confirmed, give coſts, or, if inequality in the partition, award new partition.

No plea in abatement admitted.

III. And be it enacted by the authority aforeſaid, That no plea in abatement ſhall be admitted or received in any ſute for partition, nor ſhall the ſame be abated by reaſon of the death of any tenant or tenants thereunto.

Where high ſheriff cannot conveniently be preſent, under ſheriff with 2 juſtices of the county may execute the writ, and high ſheriff may make return as if preſent:

IV. And be it further enacted by the authority aforeſaid, That when the high ſheriff, by reaſon of diſtance, infirmity, or any other hindrance, cannot conveniently be preſent at the execution of any judgment in partition, in ſuch caſe the under ſheriff, in preſence of two juſtices of the peace of the county, where the lands, tenements, or hereditaments to be divided do lie, ſhall and may proceed to execution of any writ of partition by inquiſition in due form of law, as if the high ſheriff were then perſonally

preſent; and the high ſheriff thereupon ſhall and is hereby enabled and required to make the ſame return as if he were perſonally preſent at ſuch execution: and in caſe ſuch partition be made, returned, and filed, he or they that were tenant or tenants of any of the ſaid meſſuages, lands, tenements, or hereditaments, or any part or purpart thereof, before they were ſo divided, ſhall continue and be tenant or tenants for ſuch parts ſet out ſeverally to the reſpective landlords or owners thereof, by and under the ſame conditions, rents, covenants, and reſervations, where they are or ſhall be ſo divided, and the landlords and owners of the ſeveral parts and purparts, ſo divided and allotted as aforeſaid, ſhall warrant and make good unto their reſpective tenants the ſaid ſeveral parts ſeverally after ſuch partition, as they are or were bound to do by any copy, leaſe, or grant of their reſpective parts before any partition made; and in caſe any demandant be tenant in actual poſſeſſion to the tenant to the writ or action for his part and proportion, or any part thereof, in the meſſuages, lands, tenements, and hereditaments, to be divided by virtue of a writ of partition as aforeſaid, for any term of life, lives, or years, or uncertain intereſt, the ſaid tenants ſhall ſtand and be poſſeſſed of the ſaid purparts and proportions for the like term, and under the ſame conditions and covenants, when it is ſet out in ſeveralty in purſuance of this or any other act, ſtatute, or law to that purpoſe.

Tenants before diviſion ſhall continue ſo, under ſame conditions, &c.

and landlords make good their ſeveral parts, as before partition.

if demandant be tenant in actual poſſeſſion to the tenant to the writ, the ſaid tenants ſhall ſtand poſſeſſed of like term, and under ſame conditions afterwards.

V. And be it further enacted by the authority aforeſaid, That the reſpective ſheriffs, their under ſheriffs and deputies, and, in caſe of ſickneſs or diſability in the high ſheriff, all juſtices of the peace within their reſpective diviſions, ſhall, after convenient notice, give due attendance to the executing ſuch writ of partition, unleſs reaſonable cauſe be ſhewn to the court upon oath, and then allowed of, or otherwiſe be liable every of them to pay unto the demandant ſuch coſts and damages as ſhall be awarded by the court, not exceeding five pounds; for which the demandant or plaintiff may bring his action in any of his Majeſty's courts of record at Dublin, wherein no eſſoyn, protection, privilege, or wager of law ſhall be allowed, or more than one imparlance: and in caſe the demandant do not agree to pay unto the ſheriff or under ſheriff, juſtices, and jurors, ſuch fees as they ſhall reſpectively demand for their pains and attendance in the execution of the ſame, and returning thereof, then the court ſhall award what each perſon ſhall receive, having reſpect to the diſtance of the place from their reſpective habitations, and the time they muſt neceſſarily ſpend about the ſame, for which they may ſeverally bring their actions as aforeſaid.

Sheriffs, &c. ſhall after notice attend execution, unleſs reaſonable cauſe on oath and allowed:

otherwiſe pay demandant coſts, not exceeding 5l.

to be recovered by action.

Demandant not paying ſheriff, &c. fees, court may award the ſame,

to be recovered by action.

A. D. 1697. Chap. 12.

VI. Provided that this act ſhall continue in force for ſeven years, and from thence to the end of the next ſeſſion of the next Parliament, and no longer.

Continuance of this act 7 years, *made perpetual 6 Anne* 3.

VII. And whereas many inconveniencies and law-ſuits have heretofore ariſen, and may hereafter ariſe, by reaſon the bounds of the ſeveral proprieties of lands within this kingdom, are not ſufficiently diſtinguiſhed by certain and known mears: for prevention whereof, and for the better carrying off the water, and draining the bogs and wet lands, and improving the ſame; be it enacted by the authority aforeſaid, That where the mears of lands between propriety and propriety, have or ſhall hereafter be ſet out or aſcertained by a writ of partition, perambulation, or otherwiſe, the ſame ſhall at equal charge of the proprietors thereof, or their tenants, be incloſed with good ditches, where earth ſufficient may be had to make the ſame, and therein one or two rows of quick-ſets ſhall be planted; and where earth ſhall be wanting, ſuch other fences ſhall be made as the nature of the ſoil ſhall permit.

Inconveniencies from not diſtinguiſhing bounds, mears of lands ſet out by partition, perambulation, *&c.* at equal charge of proprietors or tenants to be incloſed with ditches planted, or other fences; 8 *G.* 1. 5.

VIII. And where lands are leaſed for a long term, it may ſeem unequal to lay the charge of ſuch ditches and fences on the landlords: be it therefore enacted, That where lands are held in fee-farm, or for lives renewable for ever, or for a term of ſixty years, to run from the ſixth day of November one thouſand ſix hundred ninety ſeven, there the charge of making the mears or fences as aforeſaid, ſhall be intirely borne by the tenant; and where lands are leaſed for lives, wherein three lives ſhall be current, or for years, where twenty one years ſhall be unexpired, at or upon the ſaid ſixth day of November one thouſand ſix hundred ninety ſeven, there the ſaid mears ſhall be incloſed at the equal charge of landlord and tenant; and where lands are leaſed for any leſſer time or term, the bounds ſhall be incloſed at the ſole charge of the landlord.

Born by the tenant where held in fee-farm, renewable for ever, or 60 years from 6 Nov. 1697.

by landlord and tenant equally, where for 3 lives or 21 years:

By landlord alone, where for leſſer term.

IX. Provided, That nothing in this act contained, ſhall be taken or conſtrued to be taken, to make void any covenants heretofore made between landlord and tenant relating to the incloſing of mears.

Not to avoid former covenants between landlord and tenant.

X. And be it further enacted by the authority aforeſaid, That whatſoever perſon or perſons chargeable by this act with the fencing and cloſing of their bounds, as aforeſaid, who ſhall not have actually done the ſame within ſix months after ſuch partition made, ſhall forfeit for his or their neglect one year's value of the ſaid land; one moyety thereof to the uſe of the poor of the pariſh where ſuch land ſhall lie; and the other moyety to him or them that will ſue for the ſame: and if the perſon or perſons chargeable with the incloſing his mears as aforeſaid, ſhall further

Penalty for not incloſing in 6 months after partition, one years value to poor of the pariſh and informer,

two years value for further neglect.

further neglect to do the ſame within one year; he or they ſo offending againſt this act ſhall forfeit two years value of the ſaid lands, to be paid and recovered in manner aforeſaid. A. D. 1697.

XI. And it is hereby further enacted by the authority aforeſaid, That all mearing, fences, ditches, and drains made, or hereafter to be made, be and ſhall from time to time, and at all times hereafter, at the equal charge of the tenants and occupiers of the ſaid lands, be kept open, ſcoured and cleanſed, that the water may not ſtand but paſs away; and that whatſoever perſon or perſons ſhall refuſe or neglect to do the ſame ſhall forfeit for ſuch refuſal and neglect one year's value of the ſaid land; to be recovered in ſuch manner, and to ſuch uſes, as is herein before expreſſed.

Such ditches to be kept open at equal charge of the occupiers.

Penalty one year's value as before.

CHAP. XIII.

An Act for avoiding of vexatious Delays, cauſed by removing Actions and Suites out of inferior Courts.

WHEREAS there now are and long time have been divers courts of record in divers cities, liberties, towns corporate and elſewhere, ſome of them being far remote from Dublin, which were principally obtained for the eaſe and quiet of ſuch as ſhould have occaſion to ſue there for debts and wrongs, ſo that they might with ſmall expences receive juſtice according to the merits of their cauſes in thoſe inferior courts, without being compelled to travel to Dublin; but of late divers of his Majeſty's ſubjects, having for juſt and true debts and other good and lawful cauſes, commenced ſuites in ſuch inferior courts, and proſecuted their actions and ſuites many times ready for tryal, and the ſame cauſes being for the moſt part of ſmall value, have been removed into ſome of his Majeſty's courts at Dublin, and being remanded by *procedendo* into the ſame inferior courts where the action or ſute was firſt commenced, the ſame having been again oftentimes removed into the ſame or other of his Majeſty's courts at Dublin, to the intolerable delay of juſtice, and great expences of money and loſs and trouble to thoſe who juſtly and honeſtly by ſuch actions and ſutes have ſought only to recover or get ſatisfaction for debts, duties, or wrongs, owing, due, or done unto them: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no writ or writs of *habeas corpus*, *certiorari*, or any other writ or writs

21 *J.* 1. 25. *Reg.* Divers inferior courts of record, for eaſe of the ſubject:

Inconveniencies of removing ſuits to Dublin:

No *habeas corpus*, *certiorari*, or other writ, ſave *error* or *attaint*,

A. D. 1697. Chap. 13.

writs, proceſs or proceſſes whatſoever, other than writs of error or attaint, to be ſued forth after the twentieth day of November next, which will be in this preſent year of our Lord one thouſand ſix hundred ninety ſeven, by any perſon or perſons, whatſoever, out of or from any of his Majeſty's courts at Dublin, or out of any other court or courts, having or pretending to have power to award ſuch writs or proceſſes to ſtay or remove any action, bill, plaint, ſute, or cauſe brought commenced, or depending, or hereafter to be brought, commenced, or depending, in any court or courts of record within any city, liberty, town corporate or elſewhere, which have or ſhall have juriſdiction power, or authority to hold plea in that action, bill, plaint, ſute, or cauſe, the ſame cauſe of action, bill, plaint, or ſute ariſing or growing within the ſaid city, liberty, town corporate or juriſdiction, ſhall, after the ſaid twentieth day of November next, be received or allowed by the ſteward, judge or judges, or officer or officers of the court or courts, wherein or to whom any ſuch writ or writs ſhall be directed and delivered, but that he and they ſhall and may proceed in the ſaid cauſe or cauſes, as though no ſuch writ or writs were ſued forth or delivered to him or them, except that the ſaid writ or writs be delivered to the ſteward or ſtewards, judge or judges, officer or officers of the ſaid court, before iſſue or demurrer joyned in the ſaid cauſe or cauſes ſo depending, or to be depending, in ſuch court of record in any city, liberty, town corporate, or elſewhere, having power to hold ſuch plea, ſo as the ſaid iſſue and demurrer be not joined in ſix weeks next after the arreſt or appearance of the defendant or defendants to ſuch action or ſute commenced.

to remove a ſuit out of court of record in any city, &c. having juriſdiction ſhall be received or allowed in ſuch court,

which may proceed notwithſtanding, unleſs ſaid writ delivered before iſſue or demurrer joined, ſo as not joined in ſix weeks after arreſt or appearance of defendant.

II. And be it further enacted by the authority aforeſaid, That if any ſuch action, bill, plaint, ſuite, or cauſe, which is or ſhall hereafter be brought, commenced, or depending in any ſuch court of record in any city, liberty, town corporate, or elſewhere, ſhall after the ſaid twentieth day of November next, be removed or ſtayed by any ſuch writ or writs, proceſs or proceſſes to be ſued forth out of any of his Majeſty's courts at Dublin, or any other court as aforeſaid, that if afterwards the ſame action, bill, plaint, ſute, or cauſe, ſhall be remanded or ſent back again by any writ or writs of *procedendo*, or other writ whatſoever, that then the ſaid action, bill, plaint, ſute, or cauſe, ſhall never afterwards be removed or ſtayed before judgment by any writ or writs whatſoever to be ſued forth out of any of his Majeſty's ſaid courts at Dublin, or any other court as aforeſaid; any law, ſtatute, cuſtom, uſage, or reſtraint to the contrary thereof in any wiſe notwithſtanding.

Such ſuit removed, and remanded by *procedendo*, ſhall never afterwards be removed or ſtayed before judgment.

III. And be it further enacted by the authority aforeſaid, That if any action, bill, plaint, ſute, or cauſe, not concerning freehold or inheritance, or title of land, leaſe, or rent, which ſhall be brought, commenced, or depending in any ſuch court of record, or any city, liberty, town corporate, or elſewhere, if it ſhall appear, or be laid in the ſaid declaration, that the debt, damages, things demanded, doth or ſhall not amount to or exceed the ſum of five pounds, that then ſuch action, bill, plaint, ſute, or cauſe, ſhall not be ſtayed nor be removed into any of his Majeſty's courts at Dublin, or other court as aforeſaid, by any writ or writs whatſoever, to be ſued or proſecuted forth or out of his Majeſty's ſaid courts at Dublin, or other courts as aforeſaid, other than writs of error or attaint; any law, ſtatute, uſage, cuſtom, or reſtraint, to the contrary in any wiſe notwithſtanding

Such ſuit, not concerning freehold, inheritance, title of land, leaſe or rent, if it appear that the demand amounts not to 5*l.* ſhall not be removed, except by *error* or *attaint*.

IV. And be it further enacted by the authority aforeſaid, That if any writ or writs whatſoever ſhall be after the ſaid twentieth day of November next granted or ſued forth out of any of his Majeſty's courts at Dublin, or other court, contrary to the meaning of this preſent act; that then it ſhall and may be lawful to and for the judge or judges, and officer or officers, to whom ſuch writ or writs ſhall be delivered, to diſallow and refuſe the ſame, and to proceed as if no ſuch writ or writs had been granted or ſued out or forth, as aforeſaid; any law, ſtatute, uſage, cuſtom, or reſtraint to the contrary in any wiſe notwithſtanding.

Such courts may refuſe writs ſued contrary to this act and proceed as if not granted.

V. And whereas ſome perſons have doubted whether an act made in the tenth year of the reign of King Charles the firſt, intituled, *An act for expedition of juſtice in caſes of demurrers*, &c. and one other act made in the ſaid tenth year of the ſaid King Charles the firſt, intituled, *An act for the reformation of jeofailes*, &c. extend to inferior courts of record: and whereas an act made in the thirty third year of the reign of King Henry the eight, intituled, *An act touching miſ-impleading and jeofailes*, and another act made in the ſaid tenth year of the ſaid King Charles the firſt, intituled, *An Act for avoiding unneceſſary delays of execution*, and another act made in the ſeventeenth and eighteenth years of King Charles the ſecond, intituled, *An act to prevent arreſts of judgment, and ſuperſeading executions*, are found by experience to be good and beneficial laws, but do not extend to the ſaid inferior courts: to the end thereof that all his Majeſty's ſubjects may have the full benefit and advantage of ſo good laws, be it enacted by the authority aforeſaid, That all the ſeveral above mentioned acts ſhall, from the ſaid twentieth day of November next be, and be conſtrued to be, in force

10 *C.* 1. 11. ſeſſ. 2.

10 *C.* 1. 12. ſeſſ. 2.

33 *H.* 8. 5. ſeſſ. 2.

10 *C.* 1. 8. ſeſſ. 3.

17 & 18 *C.* 2. 12.

all ſaid acts extended to inferior court.

A. D. 1697.

in all inferior courts of record in this kingdom, and ſhall be as effectual and as duly obſerved in all the ſaid inferior courts, as if the ſaid inferior courts had been particularly named and expreſſed in the ſeveral above mentioned acts.

Proceedings in inferior courts, having power to try under 40s. may be in Engliſh, and if removed not quaſhed for defect in form.

VI. And whereas in county courts, manor courts, and other inferior courts, where ſmall actions of debts and damages under forty ſhillings are tryed, ſufficient encouragement cannot be given to attornies or other perſons ſkilled in the law of this realm to practice, ſo that the pleadings and proceedings in the ſaid courts are not ſo formal as by law they ought to be, for the eaſe of the ſubject: be it enacted by the authority aforeſaid, That in all the ſaid inferior courts, which have power to try actions under forty ſhillings, and no more, that the proceedings and pleadings may be in Engliſh, and ſhall not for that, or any other defect in form, be quaſhed or vaccuated, if the ſame be removed by writ of falſe judgment or otherwiſe, into any of his Majeſty's courts of record; any former law, cuſtom, ſtatute, or uſage, to the contrary notwithſtanding.

CHAP. XIV.

An Act for Redreſs of certain Abuſes in making Pewter and Braſs.

19 *H.* 7. 6. *Eng.* 4 *H.* 8. 7. *Eng.* 25 *H.* 8. 9. *Eng.* 33 *H.* 8. 4. *Eng.*

WHEREAS there is much pewter and braſs made wrought, and vended within this kingdom, which is not of ſuch fine metal and ſuch perfect goodneſs as the ſame ought to be, and is made, wrought, and vended oftentimes by very unſkilful perſons who underſtand not the true making and working of ſuch metals, or by other perſons who uſe the ſaid art deceitfully, all which tends much to the prejudice of his Majeſty's ſubjects, who have occaſion to buy and make uſe of pewter and braſs: for remedy whereof be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the firſt day of January next, which will be in the preſent year of our Lord one thouſand ſix hundred and ninety ſeven, no perſon or perſons uſing the craft or trade of pewterers and braziers, or who buy, ſell, trade, or deal in the ſame within this realm, ſhall ſell or change any pewter or braſs, new or old, at any place or places, ſave only in open fairs and markets, or in their own publick ſhops and dwelling houſes, upon pain that every perſon and perſons, acting contrary hereunto, ſhall for every ſuch offence forfeit and loſe the ſum of forty ſhillings; the one half to go and be to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, the other

Pewterers and braziers not to ſell or change new or old, ſave in open fairs or markets, or in their own publick ſhops or houſes.

Penalty 40s. half to the poor half to proſecutor or finder.

half

half to the perſon or perſons that ſhall ſeize, find, or proſecute for the ſame. A. D. 1697. Chap. 14.

II. And be it further enacted by the authority aforeſaid, That no perſon or perſons, from and after the ſaid firſt day of January next, ſhall at any place or places within this realm caſt, make, or work any new pewter or braſs veſſel, but ſuch as ſhall be of as good fine metal as is the pewter and braſs, caſt and wrought after the perfect goodneſs required for the ſame within the city of London, upon pain of forfeiture of all and every ſuch pewter and braſs veſſel and veſſels ſo caſt, made, and wrought contrary thereunto; the one half of ſuch forfeiture to be to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, the other half to the uſe of the finder, diſcoverer, and proſecutor for the ſame; which ſaid offences ſhall be examined, heard, and determined in all cities and corporate towns, by and before the mayor, bailiff, ſovereign, portreeve, or other head officer of ſuch city or town corporate, and in all other places, by and before two juſtices of the peace of the reſpective counties where ſuch goods ſhall be ſo ſeized as aforeſaid; who are hereby authorized and required to examine the ſaid matters on oath of one or more witneſſes, which oath they are hereby authorized to adminiſter, and to hear and determine, and give judgment thereupon, for the forfeiture of ſuch goods to the uſes aforeſaid, or otherwiſe for diſcharging and reſtoring the ſame, as they ſhall ſee cauſe; which ſaid judgment ſo given ſuch mayor, bailiff, juſtices of the peace, or other officer, are hereby required to return, and certifie to the juſtices of the peace at the next quarter ſeſſions to be held for ſuch city, town corporate, or county reſpectively, to the intent that the ſame may be there entred of record.

New pewter & braſs veſſels to be of as good fine metal as thoſe caſt in London, on pain of forfeiture thereof, as before.

Offences to be examined on oath by magiſtrates or two juſtices of peace, who are to give judgment,

and return the ſame to next quarter-ſeſſion to be entered.

III. Provided always, That no pewter and braſs ſhall be ſo ſeized or forfeited, ſave only ſuch as ſhall at the time of ſuch ſeizure be in the poſſeſſion of ſome pewterer or braſier, or other perſon uſing the ſaid trade or myſtery, or ſelling ſuch pewter or braſs, or of ſome perſon or perſons in truſt for him or them, and not ſuch as ſhall be in the poſſeſſion of any other perſon not uſing ſuch trade or myſtery, as the proper goods of ſuch other perſon.

None to be ſeized or forfeited, except ſuch as in poſſeſſion of a perſon uſing the trade.

IV. And be it further enacted by the authority aforeſaid, That no manner of perſon or perſons of what degree or condition ſoever he or they be, from and after the ſaid firſt day of January next, ſhall make any hollow wares, that is to ſay, ſalts and pots, or the like, of pewter called lay-metal, which ſhall be of coarſer or worſe metal than according to the aſſize of lay-metal wrought within the city of London; and that the

Hollow wares of lay metal to be according to the aſſiſe of lay metal wrought in London.

A. D. 1697. Chap. 14.

makers of ſuch wares ſhall make the ſame wares with ſeveral and particular marks of their own, to the intent that the makers of ſuch wares ſhall avow the ſame, and ſuch wares may appear to be made by them; and that all and every ſuch wares not ſo ſufficiently made, wrought, or marked in form aforeſaid, found in the poſſeſſion of the ſame maker or ſeller, ſhall be ſeized as forfeited; and if the ſame ware be ſold before ſuch ſeizure, then the ſaid maker ſhall forfeit the value of the ſame ware ſo unlawfully wrought and ſold, the one half of ſuch forfeiture to be to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, and the other half to the uſe of the finder or finders, ſearcher, and proſecutor for the ſame; ſuch offences to be examined, heard, and determined as aforeſaid.

The makers to have particular marks, that they may avow the ſame.

Penalty, ſeizure and forfeiture (or the value if ſold) as before.

V. And be it further enacted by the authority aforeſaid, That if any perſon or perſons after the ſaid firſt day of January next, uſing, buying, and ſelling of pewter and braſs, ſhall have or make uſe of any deceitful or falſe beams or weights, ſuch perſon or perſons ſhall for every ſuch offence forfeit the ſum of five pounds; the one half to the poor of the pariſh where ſuch offence ſhall be committed, the other half to the perſon or perſons finding, diſcovering, and proſecuting for the ſame; ſuch proſecution to be before ſuch reſpective perſons, and in like manner, as for the other offences againſt this act before mentioned, and ſuch perſons are hereby reſpectively authorized and required to act therein as in caſes of ſuch other offences; and if the ſaid offender or offenders ſhall not be ſufficient to pay the ſaid ſum or ſums, ſo by him or them forfeited, that then it ſhall and may be lawful to and for ſuch perſon or perſons reſpectively, before whom ſuch offences ſhall be tryed, to put ſuch offender in the ſtocks for the ſpace of two hours, and after to continue him in cuſtody until the next market-day for the place where ſuch offence ſhall be committed, and then in the open market-place, during the chief time of ſuch market, to put and continue him with his head in the pillory for the ſpace of one hour.

Uſing falſe beams or weights, penalty 5l. as before.

If not able to pay, to be put in ſtocks, and next market in pillory.

VI. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the maſter and wardens of the ſaid crafts of pewterers and braſiers, within every city and borough within this realm, where ſuch maſter and wardens are, and where ſuch maſter and wardens are not, then to and for the head officer, and magiſtrates of the ſaid city and borough, to appoint certain perſons moſt expert in knowing of the ſame, to make ſearch in cities and boroughs, where they dwell, for and after ſuch offenders, and him or

Maſter and wardens of the craft, or expert perſons appointed by the magiſtrates of cities, may ſearch and ſeiſe ſuſpected goods, and apprehend offenders,

them to apprehend, or cauſe to be apprehended; and alſo to ſeize ſuch goods as they ſhall juſtly ſuſpect to be made contrary to this act, and lyable to be ſeized by virtue thereof, and forthwith to bring ſuch offenders and goods, ſo apprehended and ſeized, before the reſpective perſons hereby required to hear and determine ſuch offences, in order to their further procedure thereupon according to the directions of this act; and the juſtices of the peace within every ſhire or county of this kingdom are hereby authorized and required at the general ſeſſions of the peace, to be held for their reſpective counties at Michaelmas in every year, to aſſign and appoint two certain perſons, having experience in ſuch goods, to make ſearch in the premiſſes in every part of the ſaid ſhire or county, as well within franchiſes as without, except in cities or boroughs, where perſons are appointed for that purpoſe by the head officers or governor of the ſame, and to ſeize ſuch offenders and goods, and bring the ſame before ſuch juſtices of the peace, who is hereby required to hear and determine ſuch offences, in order to their further procedure thereon as aforeſaid; and that in default of the maſter and wardens, or other the perſons to be appointed according to this act, of ſearching in manner aforeſaid, it ſhall and may be lawful to and for any other perſon or perſons, having cunning and knowledge in the ſaid occupation, by overſight of the mayor, bailiff, and head officers of the ſaid cities and buroughs, to ſearch all the aforeſaid places for any of the aforeſaid unlawful metals and unlawful weights, in order to the putting of this preſent act in due execution.

A. D. 1697.

and two ſuch perſons to be for like purpoſe appointed every Michaelmas ſeſſions in every county.

On default, any other expert perſon by overſight of the mayor, *&c.* may ſearch for unlawful metals and weights.

CHAP. XV.

An Act for the more eaſy and ſpeedy ſecuring and Recovery of ſmall Debts.

WHEREAS nothing would conduce more to the advancement of trade, commerce, and induſtry in this kingdom, than that an eaſy and ſummary way for the recovery and ſecuring of ſmall debts might be found, whereby an univerſal credit might be eſtabliſhed among the trading people of this realm, without the neceſſity of tedious and coſtly ſutes of law: may it therefore pleaſe your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That in every county, and every county of a city, and county of a town, in this kingdom of Ireland, ſome

Credit eſtabliſhed by a ſummary way to recover ſmall debts.

A regiſter to be appointed by the King, *&c.* in every county,

A. D. 1697. Chap. 15.

perſon before the firſt day of February in this preſent year of our Lord one thouſand ſix hundred ninety ſeven, be appointed by his Majeſty, or by the lord lieutenant, lord deputy, lord juſtice or lords juſtices, or other chief governor or governors of this kingdom for the time being, to be regiſter in each county, or county of a city, or county of a town; which ſaid perſon ſo appointed ſhall be a reſident or inhabitant for the moſt part in ſuch county reſpectively wherein he ſhall be as herein after employed, and ſhall enter into recognizance of five hundred pounds *ſterling*, before ſome one of the judges of either bench, or barons of his Majeſty's court of Exchequer, or before the juſtices of the peace at the next quarter-ſeſſions to be holden for the ſaid county, for the due execution of his office; which ſaid recognizance ſhall be filed of record in his Majeſty's court of Exchequer in this kingdom, ſome time before the laſt day of the enſuing term after ſuch recognizance ſhall be acknowledged; and that every ſuch regiſter of any ſuch county as aforeſaid, ſhall and may, by the authority of this act, have power to appoint one or more deputy or deputies to officiate under him in ſuch county reſpectively.

reſident there for the moſt part, to give recognizance of 500l. filed in Exchequer the next term,

He may appoint deputies.

II. And be it further enacted by the authority aforeſaid, That every ſuch regiſter and deputy or deputies, before he or they ſhall take upon him or them reſpectively the execution of the ſaid office, ſhall take the following oath before ſome one or more of the juſtices of the peace of the ſaid county, or county of a city, or county of a town, or before the chief magiſtrate of ſuch town or corporation, or his deputy, where ſuch regiſter ſhall keep his office, *viz.*

Oath to be firſt taken by them, before a juſtice or chief magiſtrate;

I A. B. *do ſwear, that I will according to the beſt of my ſkill and cunning, duly and faithfully execute the office of regiſter or deputy regiſter in this county, according to an act of Parliament, intituled,* An act for the more eaſy and ſpeedy ſecuring and recovery of ſmall debts; *and that I will not directly nor indirectly demand, take, or receive, any manner of fee, reward, or gratuity, by reaſon or colour of my office, other than ſuch fees as are allowed by the ſaid act.*

So help me God.

and alſo the oaths and declaration in *Eng.* ſtat. 3 *W. & M.* 1.

And ſhall then likewiſe take the oaths and ſubſcribe the declaration mentioned and contained in an act of Parliament made in England in the third year of the reign of his preſent Majeſty and the late Queen Mary, intituled, *An act for the abrogating the oath of ſupremacy in Ireland, and appointing other oaths*; which ſaid oath of office, and other oaths and declaration, the ſaid juſtice

or

or juſtices of the peace, or other chief magiſtrate of ſuch town or corporation, or his deputy, are hereby authorized, impowered, and required to adminiſter: and further, that every ſuch regiſter, deputy, or deputies aforeſaid, upon the pain, penalty, and forfeiture of his or their reſpective office or offices, ſhall take the aforeſaid oath of office, and the aforeſaid oaths, and ſubſcribe the declaration, at the next quarter-ſeſſions, or the next aſſizes to be holden for the ſaid county, or county of a city, or county of a town, which ſhall firſt happen, in open court, between the hours of nine and twelve in the morning; which ſaid oaths reſpectively, and declaration, the ſaid judges of aſſize, or juſtices of the peace at their reſpective ſeſſions, are hereby authorized, impowered, and required to adminiſter.

and further take ſaid oaths at next quarter-ſeſſions or aſſizes, in open court, between 9 and 12 in the morning, on pain of forfeiture of office.

III. And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of February next, every perſon and perſons having any bond or bill under hand and ſeal, for any ſum or ſums of money, not exceeding ten pounds principal money, which ſaid bond or bill being acknowledged before any perſon who is a juſtice of the peace in this kingdom, or before the chief magiſtrate of any town corporate, and ſuch juſtice of the peace or chief magiſtrate or his deputy, certifying ſuch acknowledgment, which acknowledgment every juſtice of the peace of this kingdom, and every chief magiſtrate of any town corporate, or his deputy, are by the authority of this act, impowered and required to take, and certificate under their reſpective hands and ſeals to make and deliver to the party and parties intereſted in ſuch bond or bonds, bill or bills, which certificate and bond or bill being brought to the regiſter or his deputy of ſuch county, county of a city, or county of a town, wherein ſuch perſon is a juſtice of the peace, or chief magiſtrate of a town corporate, or his deputy, ſuch regiſter, or his deputy or deputies, or one of them, ſhall in a book to be kept for that purpoſe, make an entry of the ſaid bond or bill, and acknowledgment at large, as alſo the receipts and transfers thereon endorſed, if any be; and from and after ſuch entry, the perſon or perſons who perfected the ſame, his and their goods and chattles perſonal ſhall be thereby bound and liable to the ſaid debt and intereſt from the day of payment, in like manner, as if the ſame had been a judgment at law.

Bonds and bills not exceeding 10*l.* under hand and ſeal, acknowledged before and certified by a juſtice.

to be entered in a book by the regiſter,

as alſo receits and transfers indorſed:

the maker, his goods and chattels perſonal, liable from day of payment, as if a judgment at law.

IV. And to the end there may be no miſtakes or controverſies for or concerning the ſaid bonds or bills in relation to the wording thereof; be it further enacted by the authority aforeſaid, That all ſuch bonds or bills as ſhall be regiſtred in purſuance of this act, ſhall be printed and ſtamped with his Majeſty's arms, and be in the form following: that is to ſay,

To be printed and ſtamped with the King's arms,

A. D. 1697. Chap. 15.

KNOW all men by theſe preſents, that of in the county of do acknowledge my ſelf to ſtand juſtly indebted unto of in the county of in the full and juſt ſum of pounds ſterling, *to be paid to the ſaid his executors, adminiſtrators, or aſſigns, at or before the day of to the which payment I bind my ſelf, my heirs, executors and adminiſtrators; and in default of payment thereof, I do conſent that execution ſhall iſſue againſt my body, goods and chattles perſonal: witneſs my hand and ſeal this day of*

Form of ſuch bond or bill.

If more perſons, to be ſo printed as to bind jointly and ſeverally.

And in caſe there be two or more perſons bound in the ſaid bond, the ſaid printed bond ſhall be printed and made ſo as to comprehend them, and to bind them jointly and ſeverally.

Every regiſter to provide the ſame in every market town:

V. And to the end forged and counterfeit bonds or bills may be prevented, and the ſubjects of this land ſufficiently provided with the ſaid bonds or bills, ſo printed and ſtamped, at eaſy and moderate rates: be it enacted by the authority aforeſaid, That every regiſter of any county, or county of a city, or county of a town, ſhall provide, in every market town within their reſpective limits and precincts, a ſufficient quantity of ſuch blank bonds or bills for ſale, ſtamped with the King's arms, and the name of the county whereof ſuch perſon ſhall be regiſter; and

none to expoſe to ſale bonds unleſs ſtamped by the regiſter, on pain of 10l. to regiſter.

that no perſon or perſons whatſoever ſhall expoſe to ſale in any ſuch market-town as aforeſaid any ſtamped, printed bonds or bills, other than ſuch as ſhall be ſtamped by the ſaid regiſter or his deputy or deputies, upon the penalty of forfeiting ten pounds for each offence to ſuch regiſter; to be recovered by ſuch regiſter, thereby injured by action of debt, bill, plaint, or information, wherein no eſſoin ſhall be allowed, or more than one imparlance.

1d. only to be paid for each bond.

VI. Provided always, and be it further enacted and declared by the authority aforeſaid, That no perſon or perſons ſhall be obliged to pay more than one penny for each of ſuch bonds or bills.

VII. And be it further enacted by the authority aforeſaid, That the words uſed by the party or parties transferring of the ſaid bonds or bills ſhall be theſe or to the like effect following; that is to ſay,

Words uſed in transferring the ſame.

I A. B. *do transfer this bill to* C. D. *as witneſs my hand this day of* anno domini

And

And in caſe there be two or more obligees, then the ſaid tranſferrer ſhall be in their names, with proper words to the effect and purport aforeſaid, *mutatis mutandis*.

Obligor refuſing to pay, and creditor making oath at quarter ſeſſion of demand and tender of the bond at place of abode, the regiſter, at the ſame or other ſeſſions in a year after the money due, ſhall iſſue warrant to ſheriffs, *&c.* to levy it with intereſt, coſts and fees.

VIII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſtand indebted by ſuch bond or bill, acknowledged and entred as aforeſaid, and ſhall refuſe to pay ſuch debt or debts at the time the ſame ſhall become due and payable, or at any time afterwards, ſuch creditor or creditors, making oath that the money due thereon hath been demanded, and the bond or bill tendred to the party or parties indebted, his or their executors or adminiſtrators, at his or their place or places of abode or reſidence, the ſaid oath to be made before the juſtices of the peace at the quarter ſeſſions to be holden for the county, county of a city, or county of a town where the ſaid bond or bill is entred, in open court, between the hours of nine and twelve in the morning (which oath the ſaid juſtices of the peace are hereby impowered and required to adminiſter, and which oath the ſaid regiſter, or his deputy, are required to receive and enter) then the ſaid regiſter, or his deputy, at the ſame quarter-ſeſſions of the peace, or at any other quarter-ſeſſions to be holden for the ſaid county at any time within one year after the ſaid money ſhall become due and payable, upon the delivery to him the ſaid regiſter or his deputy of the ſaid bond or bill, ſhall iſſue a warrant of execution under his hand and ſeal of office, directed to all and every the high ſheriffs, coroners, bailiffs, ſeneſchals, ſtewards, and high-conſtables of this kingdom, againſt the perſon or perſons, his or their executors or adminiſtrators, owing the ſaid money, or his and their goods and chattles perſonal, for the recovery and levying of the ſaid money, together with the intereſt which ſhall then be due, as alſo the coſts and fees for entering of the ſaid bond or bill, and for the warrant of execution, and other fees, according to the directions and limitations herein after mentioned and expreſſed.

No payment valid, unleſs indorſed on the bond at the time.

IX. And to the end all diſputes and controverſies for and concerning the payment and diſcharge of ſuch debt or debts, for or on account of ſuch bonds or bills, may be prevented; be it further enacted by the authority aforeſaid, That no payment or payments ſhall be eſteemed valid, for or on account of ſuch bonds or bills, unleſs the ſame be entred on the back of the ſaid bond or bill by the party or parties intereſted therein at the time of entring of ſuch payment or payments.

Sheriffs, *&c.* on delivery of ſuch warrant ſhall arreſt the party, if plaintiff deſires it,

X. And be it further enacted by the authority aforeſaid, That the ſheriffs, coroners, bailiffs, ſeneſchals, ſtewards, and high conſtables, who ſhall have the execution of the ſaid warrants,

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rants in their reſpective counties, county of a city, or county of a town, precincts, and liberties, ſhall have full power and authority, upon the delivery of ſuch warrant or warrants to them reſpectively, and are accordingly hereby required to arreſt and take the body or bodies, of the perſon or perſons, againſt whom the ſaid warrants of execution ſhall iſſue, if ſo be the party or parties plaintiff or plaintiffs, his or their ſervant or agent, ſhall deſire the ſame: and in caſe any perſon or perſons at ſuch deſire ſhall be ſo arreſted or taken by any of the aforeſaid officers appointed by this act, who have not the cuſtody or keeping of priſoners upon execution out of his Majeſty's Four-courts, that then the perſon or perſons ſo taken ſhall be delivered to the plaintiff, or his ſervant or agent, to be carried and conveyed to the ſheriff or other officer having the cuſtody of the gaol of the ſaid county where the ſaid perſon or perſons ſhall be ſo taken, at the charge and peril of the ſaid plaintiff, who is hereby required to receive and keep him or them in ſafe cuſtody; which ſaid ſheriff, or other officer having the cuſtody of the ſaid goal, ſhall be chargeable with the ſaid debtor or debtors, in like manner as if ſuch debtor or debtors had been taken upon a *capias ad ſatisfaciendum* upon a judgment at common law.

Perſons arreſted by officers, not having cuſtody of priſoners on execution out of the four courts, ſhall be delivered to plaintiff or his agent to be conveyed to the ſheriff, &c. at charge and peril of plaintiff.

Which ſheriff, &c. chargeable with ſaid debtors as if taken on *ca. ſa.* on judgment.

XI. And be it further enacted by the authority aforeſaid, That the ſaid ſeveral ſheriffs, coroners, bailiffs, ſeneſchals, ſtewards, and high-conſtables in their reſpective limits and precincts, ſhall by the authority of this act have full power and authority upon ſuch warrant of execution againſt any perſon or perſons goods, at the deſire of the party or parties plaintiff or plaintiffs, his or their agent or ſervant, to ſeize and take the ſaid perſon or perſons goods and chattles perſonal in execution, and the ſame to appraiſe by the appraiſers of the pariſh or barony where the ſame ſhall be ſo taken or ſeized, and ſhall give the debtor or debtors, if ſo be he or they may be found, the firſt refuſal of the ſaid goods and chattles perſonal at the appraiſed rate; which if the ſaid debtor or debtors ſhall refuſe or neglect to pay within ten days after ſuch appraiſement, then the ſaid goods and chattles perſonal ſhall be ſold and delivered to the plaintiff, his ſervant, or agent, he or they paying, according to the appraiſed values to the party or parties intereſted, whatſoever ſum or ſums of money the ſame ſhall amount unto, over and above the ſaid principal debt, intereſt, and coſts, according to the true intent and meaning of this act, and for which the ſaid warrant of execution ſhall be a ſufficient authority to the ſaid ſheriff, coroner, bailiff, ſeneſchal, ſteward, and high conſtable, and to every or any of them; and that the ſaid ſheriff, coroner, bailiff, ſeneſchal, ſteward, or high conſtable, ſhall make return thereon,

Sheriff, &c. on ſuch warrant may at deſire of plaintiff ſeiſe and appraiſe the goods,

and give the debtor, if found, the firſt refuſal, or in ten days after appraiſement the goods ſold and delivered to plaintiff, he paying the ſurplus to perſons intereſted.

Sheriff, &c. to make a return thereon to the regiſter at or before next quarter

thereon, in what manner the ſaid warrant was executed, to the regiſter of the county, or his deputy or deputies from whence the ſaid warrant of execution iſſue, at or before the next quarter-ſeſſions of the peace to be holden for the ſaid county, after ſuch execution executed; which warrant of execution, with the return thereof, ſhall be read in the open court, and there filed and kept by the ſaid regiſter or his deputy: and in caſe the ſheriff, or any other officer as aforeſaid appointed by this act, ſhall on any ſuch warrant of execution take any perſon or perſons, or his or their goods or chattles perſonal, in purſuance or by colour of this act, and ſhall refuſe or neglect to execute or make return of ſuch warrant of execution in reaſonable time after the delivery thereof, and according to the direction of this act, upon reaſonable demand made by the plaintiff or plaintiffs, his or their ſervant or agent, that then ſuch ſheriff, or other officer as aforeſaid, refuſing or neglecting ſo to do, ſhall be liable to an action on the caſe at the ſute of the ſaid plaintiff or plaintiffs, his or their executors or adminiſtrators, in like manner as if the ſame had been an execution executed on any judgment at law, either upon the body or goods, and ſhall pay treble coſts, in caſe judgment ſhall paſs for ſuch plaintiff or plaintiffs, his or their executors or adminiſtrators.

ſeſſion, to be read in court, filed, and kept by the regiſter.

Sheriff, &c. refuſing or neglecting, liable to action on the caſe, as if an execution on a judgment, and to treble coſts.

XII. Provided always, and be it further enacted and declared by the authority aforeſaid, That all and every perſon or perſons plaintiff or plaintiffs in every ſuch warrant of execution ſhall from time to time, and at all times before ſuch execution made and executed, be at full power and liberty to make his election or choice, whether he will have the body or bodies, or goods perſonal, taken in execution, of the party or parties defendant on ſuch warrant of execution as aforeſaid; and that the ſaid ſheriff, coroner, bailiff, ſeneſchal, ſteward, and high conſtable, and every of them, ſhall purſue the direction of the plaintiff or plaintiffs, his or their ſervant or agent, therein: and in caſe the plaintiff or plaintiffs, his or their ſervant or agent, ſhall procure the ſaid defendants body to be taken in execution, then no further execution on the defendants goods ſhall be during the continuance of the ſaid defendants impriſonment; or in caſe the plaintiff or plaintiffs, his or their ſervant or agent, ſhall procure ſuch defendants goods and chattles perſonal to be taken in execution, which on appraiſement ſhall appear to be ſufficient to anſwer the ſaid complainants debt, principal, intereſt, and the coſts herein after allowed, that then no execution ſhall be made on the ſaid defendants perſon; any thing herein contained to the contrary in any wiſe notwithſtanding.

Plaintiff may chuſe execution againſt body or goods:

Sheriff, &c. to purſue direction of plaintiff:

if the body taken, no further execution on the goods during impriſonment:

if the goods, which on appraiſement ſufficient, no execution on the perſon.

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XIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for ſuch perſon or perſons, to whom any money ſhall be due or owing by ſuch bond or bill, upon the back of ſuch bond or bill, in manner as is aforeſaid directed, to transfer or aſſign the money ſo due and owing, together with the intereſt then accrued or to accrue, and the coſts paid in purſuance or according to the direction of this act, to any other perſon or perſons whatſoever; and the ſame ſo aſſigned or transferred, ſuch aſſignee or aſſignees, his or their executors or adminiſtrators, ſhall have the entire and ſole right, intereſt, and property in the ſaid bond or bill, together with the money, principal, intereſt, and coſts due thereon, excluſively of any right, property, or intereſt of any other perſon or perſons, his or their executors or adminiſtrators, to whom the ſame was formerly entred into, or transferred, or aſſigned; and that no releaſe or diſcharge of any ſuch former proprietor, after ſuch aſſignment or transferring as aforeſaid, ſhall any way operate to the prejudice or damage of the party or parties to whom the ſame ſhall be as aforeſaid aſſigned or transferred; but that the aſſignee or transferree, aſſignees or transferrees, his or their executors, adminiſtrators or aſſignes, who have or hath the right or intereſt in the ſaid bond or bill, ſhall have the warrant of execution in his or their own name or names, in as large, ample, and beneficial manner, as if the ſaid bond or bill had been at firſt made to him or them; any law or cuſtom to the contrary notwithſtanding.

Aſſignee of ſuch bond ſhall have the ſole right and intereſt therein,

not prejudiced by releaſe or diſcharge afterwards of former proprietor,

and have the warrant in his own name, as if the bond made at firſt to him.

XIV. Provided always, That the transferring or aſſigning of ſuch bond or bill ſhall not any way extend, or be conſtrued to extend, to oblige the perſon or perſons, or goods and chattles, of the party or parties ſo transferring; any thing in this act, or any other cuſtom or law, to the contrary hereof in any wiſe notwithſtanding.

But the transfer not to oblige perſon or goods of aſſignor.

XV. And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons ſhall preſume to forge or counterfeit any juſtice of the peace's hand or ſeal to any ſuch bond or bill, or the hand and ſeal of office of any ſuch regiſter, or his deputy or deputies, to any ſuch warrant of execution, or to any indorſements by ſuch regiſter, or his deputy or deputies, made, certifying that ſuch bond or bill was regiſtred according to or in purſuance of this act; ſuch perſon or perſons ſo offending, and thereof duly convict, ſhall ſuffer ſuch pains, penalties, and forfeitures as a felon without benefit of clergy.

Forging or counterfeiting hand or ſeal of any juſtice or regiſter, felony without clergy.

XVI. And for the better preventing of all partial and unfair practices by any ſheriff, coroner, bailiff, ſeneſchal, ſteward, or high conſtable in the execution of this act, or any part thereof; be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the juſtices of aſſize in their ſeveral circuits

Sheriff, &c. on complaint of partial or unfair practice may be indicted at aſſiſes or ſeſſions,

cuits and ridings, at their general aſſizes, and to and for the juſtices of the peace at their general quarter-ſeſſions in their reſpective counties where ſuch partial or unfair practices ſhall be by them or any of them committed or done, and they are reſpectively hereby required, upon complaint thereof, to cauſe the party or parties offending as aforeſaid to be thereof indicted: and in caſe the party offending ſhall not ſubmit, he ſhall be with all reaſonable ſpeed tried; and if verdict ſhall paſs againſt him, or in caſe he ſhall ſubmit, that then the judge or judges of aſſize, or juſtices of the peace, or major part of them, ſhall and may by the authority of this act, and are hereby required to lay ſuch fine, as to them reſpectively ſhall ſeem meet and reaſonable, not exceeding ten pounds; the ſame to be levied within thirty days after ſuch fine impoſed, by warrant of the ſaid court reſpectively where the ſaid complaint ſhall be made, upon the goods of the perſon ſo offending and convict as aforeſaid, without further appeal, or ſute in law or equity.

and if verdict againſt him, or if he ſubmit a fine not above 10l.

to be levied in thirty days, without further appeal or ſuit.

XVII. Provided always, That in caſe the perſon ſo offending ſhall within the ſaid thirty days make ſatisfaction to the party or parties grieved, and ſhall procure his or their certificate under his or their hands and ſeals to that effect and purpoſe, to the clerk of the crown, or clerk of the peace, reſpectively directed, who is to iſſue ſuch warrant as aforeſaid; that then and in ſuch caſe, the ſaid clerk of the crown, or clerk of the peace reſpectively, are hereby required to make ſtay of ſuch warrants till the next aſſizes or next quarter ſeſſions reſpectively; at which time it ſhall and may be lawful to and for the judge or judges of aſſize, or juſtices of the peace, or major part of them, upon application to them reſpectively at their general aſſizes, or general quarter-ſeſſions in open court, the party or parties injured being firſt ſatisfied as aforeſaid, to reduce ſuch fine or fines according to his or their reſpective diſcretion or diſcretions.

But if in thirty days ſatisfaction to party grieved, and certificate thereof to the clerk of crown or peace, the warrant to be ſtaid till next aſſiſes or ſeſſions, where ſuch fine may be reduced.

XVIII. And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons as aforeſaid, taken in execution by any ſuch warrant of execution in purſuance of this act, ſhall dye in execution, the debt ſhall not be diſcharged thereby, but be lyable to be levied and raiſed in manner as aforeſaid, by warrant of execution upon his or their goods and chattles perſonal, wherever they may be found in this kingdom.

Debt not diſcharged by death of perſon taken in execution, but may be levied on the goods.

XIX. And to the end exaction or extortion of fees for or concerning the execution of this act may be prevented; be it further enacted by the authority aforeſaid, That the regiſter's fees for entring the ſaid bond or bill, and certifying the ſame, ſhall be ſix pence, and no more; and for iſſuing a warrant of execution one ſhilling, and no more; and for entring of a diſ-

Fee to regiſter for entring and certifying the bond, 6d.

iſſuing warrant, 1s.

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charge of the ſaid bond or bill three pence, and no more; and for entring each tranſfer, if deſired, two pence, and no more; and that the fees of the ſaid ſheriff, coroner, bailiff, ſeneſchal, ſteward, or high conſtable, for the taking of the ſaid obligor, or for taking of his goods and chattles on the ſaid warrant of execution, ſhall be one ſhilling, and no more; and to the appraiſer or appraiſers of ſuch goods and chattles perſonal, ſix pence in the pound, and no more; and to ſuch officer or officers, to whom the cuſtody of the ſaid perſon in execution ſhall be committed, ſix pence in the pound, and no more.

entring diſcharge, 3d. entring tranſfer, 2d.

fees to ſheriff, *&c.* 1s.

to appraiſers 6*d. per* pound.

to officers to whom cuſtody of the perſon 6*d. per* pound.

XX. And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons ſhall corruptly take or make any falſe oath, or ſuborn or procure any perſon or perſons corruptly to make ſuch falſe oath, for any matter or thing relating to this act, ſuch perſon or perſons corruptly making ſuch falſe oath, or procuring ſuch falſe oath corruptly to be made, being thereof lawfully convict, ſhall for every ſuch offence incur and ſuffer ſuch and the like pains and penalties, as are mentioned and preſcribed to be inflicted on perſons offending in caſes of perjury and ſubornation, by one act made in this kingdom in the eighteenth year of the reign of the late Queen Elizabeth of ever glorious memory, intituled, *An act concerning wilful perjury.*

Perſons taking or procuring falſe oath, to be puniſhed as by 28 *Eliz.* 1.

XXI. And for preventing of the abuſes or irregular proceedings, which may be otherwiſe committed or done by regiſters or their deputies in the execution of this act; be it enacted by the authority aforeſaid, That every regiſter, or his deputy or deputies, of any county, or county of a city, or county of a town within this kingdom, ſhall and are hereby required to deliver to the clerk of the peace at every quarter-ſeſſions, and to the juſtice of the peace, who is chairman at ſuch quarter-ſeſſions, and to each of them, a book fairly drawn, and ſigned by ſuch regiſter or his deputy, which ſhall be a true copy of all entries made ſince the former ſeſſions; in which books the ſaid clerk of the peace and juſtice of the peace ſhall enter reſpectively ſuch rules, orders, and proceedings as ſhall be made at that quarter-ſeſſions, and in open court ſhall cauſe the ſaid regiſter to read over his book, comparing it with the ſaid clerk of the peace's book and the ſaid juſtice's book, and making them all to agree; which being done, the ſaid juſtice of the peace, regiſter, or his deputy, and the clerk of the peace, ſhall all of them in open court, in the preſence of the juſtices compoſing the ſaid court, ſign their reſpective names in each book, and then the ſaid juſtices of the peace ſhall keep one of them, the regiſter another, and the clerk of the peace the third: which ſaid books, or two of them at leaſt, ſhall be from ſeſſion to ſeſſion brought into court by the reſpective perſons aforeſaid.

Regiſter at quarter ſeſſions to deliver to the clerk and to the chairman a book ſigned by him, which ſhall be a copy of entries ſince the former,

in which they ſhall enter the proceedings at ſeſſions.

Regiſter to read and compare them in court;

their reſpective names to be ſigned to each in court;

Juſtices to keep one, the regiſter the 2d, and clerk 3d,

to be brought into court every ſeſſion.

CHAP.

CHAP. XVI.

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¶ *An Act for dividing the Pariſh of St. Michans, within the City and Suburbs of Dublin, into three diſtinct Pariſhes.*

WHEREAS that part of the city and ſuburbs of Dublin lying northward of the River Liffy, commonly called Oxmantowne, conſiſts only of one pariſh, called the pariſh of St. Michans, and by the late increaſe of buildings and inhabitants there is become a cure too great to be diſcharged by one ſingle miniſter, and the parochiall church there is not large enough for the convenient accommodation of the pariſhioners there to hear divine ſervice, and perform religious duties in, as alſo for that ſome part of the ſame pariſh lyeth at too great a diſtance from the parochiall church: for remedye therefore of the ſaid inconveniencies, and to the end that the cure of the ſouls of the inhabitants of the ſaid circuit of ground may be better attended, then the ſame can be by one ſingle perſon, and the ſaid inhabitants be incouraged by the accommodation they will have for the worſhip of God in publique, frequently and conſtantly to reſort to their ſeveral pariſh church for the due performing their religious duties there; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid pariſh of St. Michans ſhall from the twentieth day of November next, which will be in this preſent year of our Lord one thouſand ſix hundred ninety ſeven, be divided into three ſeveral pariſhes, and the ſaid precinct or compaſſe of ground, of which the ſame doth now conſiſt, ſhall from the ſaid twentieth day of November next for ever hereafter be three ſeveral pariſhes, to be divided, ſeperated, and diſtinguiſhed as is hereinafter mentioned, and be called by the names of the new pariſh of St. Michans, the pariſh of St. Mary, and the pariſh of St. Paul, according to ſuch their diviſion and deſcription after mentioned, each of which ſhall be ſeperate and independant from the other, and ſhall each of them by themſelves have all parochiall rights and priviledges as ſeperate and diſtinct pariſhes, and that there ſhall be for each of them a ſeveral parochial church, and a rector or miniſter ſeveral and independant from the other, and conſtant and perpetuall ſucceeding rectors or miniſters there for ever, who ſhall each of them reſpectively have cure of ſouls in the ſaid reſpective pariſhes, and have, enjoy, and receive from the inhabitants of their ſaid reſpective pariſhes, all ſuch tythes, oblations, obventions, miniſters-money, mortuaries, Eaſter books, and other duties, rates, aſſeſſments, or taxations as ariſe, grow, or renew within the ſaid reſpective pariſhes, and are due and of right ought to be paid to the rectors or miniſters of ſuch pariſhes, and that there ſhall be for each of the ſaid pariſhes church-wardens, a pariſh clerke, and other uſual pariſh officers in ſucceſſion for ever who ſhall perform the ſeveral and reſpective pariſh duties belonging to their reſpective offices, and have and receive the ſeveral and reſpective profits, benefits, privileges, and advantages uſually enjoyed with and of right belonging to ſuch reſpective offices and pariſhes.

II. And be it further enacted by the authority aforeſaid, That that part of the old pariſh of St. Michans herein after particularly deſcribed, and containing the particular ſtreets, lanes, places, and houſes herein after mentioned, ſhall from the twentieth day of November next, be the pariſh of St. Paul, and ſo for ever hereafter be called, deemed, and taken: (that is to ſay) all thoſe the houſes and lands on the weſt ſide of Smithfield, and alſo an alley there, called Peters alley, on both ſides, and croſſe Channell-row the breadth of the ſaid Peter's alley to the counteſs dowager of Droghedagh's houſe, excluding the ſaid houſe, and from the ſaid counteſſe of Droghedagh's houſe weſtward, and northward as far as the antient bounds of the pariſh of St. Michans do extend, and from the ſaid weſt ſide of

Smithfield ſouthwards by the glaſſe-houſe, including the ſaid glaſſe-houſe, as alſo the back ſtables and Arrans key to Mr. Thornton's houſe excluſively as far as the river Liffy, and thence alſo weſtward as far as the bounds of the old pariſh reach.

III. And be it further enacted, That all that parcel of ground within the pariſh of St. Paule hereinafter deſcribed (that is to ſay) all that part of the ground or green, called Oxmantowne-green, lying at the ſouth end thereof as the ſame is now ſtaked and ſet out, containing from eaſt to weſt one hundred and twenty foote, and from ſouth to north two hundred and fifty foote, ſhall be ſet apart and applied to, and for ever, after the ſaid twentieth day of November next, held and enjoyed for the uſes following: (*viz.*) ſuch parte thereof, as by the chiefe governor or governors and council of this kingdom for the time being, ſhall be appointed for that purpoſe to be for the building of a pariſh-church, veſtry-houſe, and other rooms and conveniencies neceſſary for a church for the uſe of the miniſter and pariſhioners of the ſaid pariſh to ſerve God there, and the reſidue thereof to be for a church-yard, cemetery, or burial place for the uſe of the ſaid pariſhioners of the ſaid pariſh; which ſaid church, as ſoon as the ſame ſhall be built, ſhall be dedicated to the ſervice of God, and be a ſeperate pariſh church diſtinct from the old pariſh church of old St. Michans aforeſaid, and be called the pariſh church of the pariſh of St. Paul; and that Ezekiel Burridge, clerke, maſter, of arts, ſhall be the preſent and immediate rector or miniſter of the ſaid church after the ſaid twentieth day of November next, ſubject nevertheleſs to the viſitation and power of the ordinary of the dioceſſe, in ſuch manner as the rector of the old pariſh was, and no otherwiſe, and to ſuch other canons, rules, and laws eccleſiaſtical as miniſters or rectors of churches are uſually and of right ought to be ſubject or lyable unto, and that Edward Corcker and Henry Weſtenra, eſquires, ſhall be the preſent and immediate church-wardens for the ſaid church, to continue in their ſaid office until the feaſt of Eaſter, which ſhall be in the year of our Lord one thouſand ſix hundred ninety nine, at which time, and ſo for ever hereafter, at every Eaſter in each year, two others ſhall be choſen in the veſtry of the ſaid pariſh, according to the uſuall courſe for chooſeing ſuch officers.

IV. And it is hereby further enacted, That all that part of the ſaid pariſh of old St. Michans hereinafter particularly deſcribed, and containing the particular ſtreets, lanes, places, and houſes hereinafter mentioned, ſhall after the ſaid twentieth day of November next be the pariſh of St. Mary, and ſo for ever hereafter be called, deemed, and taken: (that is to ſay) all that ſtreet called Capell-ſtreet, from Eſſex-bridge, all Strand-ſtreet to the corner of white lyon court including the ſaid court, St. Mary-abby, on both ſides to Boote-lane excluſively of the ſaid lane, St. Mary-ſtreet on both ſides to Boote-lane, excluſively of the ſaid Boote-lane, the houſes of Edmond Reynell and Richard Thompſon, eſquires, and thence up Drumeondra lane as far as the old pariſh of St. Michans reacheth; and all that part of the ſaid old pariſh as lyes eaſtward of the ſaid bounds of the pariſh of St. Mary already deſcribed.

V. And be it further enacted, That all that parcell of ground within the ſaid pariſh of St. Mary hereinafter deſcribed (that is to ſay) that part of ground on Piphoes park fronting northward to the pavement on the ſouth ſide of St. Mary's-ſtreet, over againſt Sir Arthur Cole's houſe, where the lord chancellor now dwelleth, containing from eaſt to weſt one hundred and thirty foote, and from north to ſouth to Abby-ſtreet two hundred foote, and bounded on the eaſt and weſt with the ground intended for two new ſtreets not yet named, ſhall be ſet apart and applied to, and for ever after the ſaid twentieth day of November next, be held and enjoyed for the uſes following: (*viz.*) ſuch part thereof as by the chief governor or governors, and council of this kingdom for the time being, ſhall be appointed for that purpoſe, to be for the building a pariſh church, veſtry houſe, and other rooms and conveniencies neceſſary for a church, for the uſe of the miniſter and pariſhioners of the ſaid pariſh of St. Mary to ſerve God there, and the reſidue thereof to be

be for a church-yard, cemetry, or burying place for the uſe of the pariſhioners of the ſaid pariſh; and the ſaid church, as ſoon as the ſame ſhall be built, ſhall be dedicated to the ſervice of God, and be a ſeperate pariſh church diſtinct from the old pariſh church of St. Michans aforeſaid, and be called the pariſh church of the pariſh of St. Mary, and that Peter Browne, clerke, batchelor of divinity, ſhall be the preſent and immediate rector or miniſter of the ſaid church after the ſaid twentieth day of November next, ſubject nevertheleſs to the viſitation and power of the ordinary of the dioceſſe in ſuch manner as the rector of the ſaid old pariſh of St. Michans was, and no otherwiſe, and to ſuch cannons, rules, and laws eccleſiaſtical, as miniſters and rectors of churches are uſually and of right ought to be ſubject or lyable unto; and that Robert Rochfort, eſq; his Majeſty's attorney general, and Allen Broderick, eſq; his Majeſty's ſolicitor general, ſhall be the preſent and immediate church-wardens for the ſaid church, to continue in their ſaid office until the ſaid feaſt of Eaſter, in the year of our Lord one thouſand ſix hundred ninety nine, at which time, and ſo for ever hereafter at every feaſt of Eaſter in each year, two others ſhall be choſen in the veſtry of the ſaid pariſh, according to the uſual courſe for chooſing ſuch officers.

VI. And it is hereby further enacted by the authority aforeſaid, That all the reſt and reſidue of the ſaid pariſh of old Saint Michans, not herein before taken out or appointed for the ſaid pariſhes of Saint Paule and Saint Mary, or either of them, ſhall be the new pariſh of Saint Michans, and ſo for ever after the ſaid twentieth day of November next, be called, deemed and taken; and that the now pariſh church in the old pariſh of Saint Michans, and the rectory thereof, ſhall be, and be called, the prebend of Saint Michans belonging to the cathedral of Chriſt Church, Dublin, as the rectory of the old pariſh of Saint Michans was, and the ſame church, with the church-yard, cemetery, vaults, veſtry-houſe, rooms and buildings, and burying places belonging to the ſaid old pariſh of Saint Michans, ſhall for ever after the ſaid twentieth day of November next be for the uſe of the miniſter and pariſhioners of the ſaid new pariſh of Saint Michans, for and in order to the ſervice of God there, and for a cemetery, church-yard, or burying place for the pariſhioners of the ſaid pariſh; and that John Clayton, clerk, maſter of arts, ſhall be the preſent and immediate rector or miniſter of the ſaid pariſh, after the ſaid twentieth day of November next, and be a prebendary of the cathedral of Chriſt Church in Dublin, as the rector of the ſaid old pariſh was, ſubject nevertheleſs to the viſitation and power of the ordinary of the dioceſſe, in ſuch manner as the rector of the ſaid old pariſh of Saint Michans was, and no otherwiſe, and to ſuch other cannons, rules, and laws eccleſiaſtical, as miniſters and rectors of churches are uſually and of right ought to be ſubject and lyable unto: and that Sir Patrick Dunn, knight, doctor in phyſick, and Charles Ward, eſquire, ſhall be the preſent and immediate church-wardens for the ſaid church, to continue in their office until the feaſt of Eaſter, which ſhall be in the year of our Lord one thouſand ſix hundred ninety nine, at which time, and ſo for ever hereafter, two other ſhall be choſen in the veſtry of the ſaid pariſh, according to the uſual courſe for chooſing ſuch officers.

VII. And be it further enacted by the authority aforeſaid, That the ſeveral rates and taxations, already made and ſettled for the ſeveral houſes and lands within the ſaid ſeveral pariſhes before the diviſion thereof, while the precincts thereof were part of the pariſh of old Saint Michans, and which were payable or intended to be payable to the miniſter or rector of the ſaid old pariſh, ſhall be the rates and taxations payable and to be paid in each of the ſaid new pariſhes to the reſpective rectors or miniſters hereby appointed for ſuch new pariſh, and other ſucceeding rectors or miniſters of the ſame for ever, for the ſeveral houſes and lands in each of the ſaid new pariſhes reſpectively.

VIII. And be it further enacted by the authority aforeſaid, That the chief governor or governors and council of this kingdom ſhall, with all convenient ſpeed after the ſaid twentieth day of November next, conſtitute and appoint a

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certain number, not exceeding ſeven, of diſcreet perſons inhabiting in the ſaid old pariſh of Saint Michans, according to the extent of the ſaid pariſh before the making of this act, to be commiſſioners for erecting the ſaid new churches, incloſing the church-yards, erecting galleries, pulpits, deſks, pews, and other neceſſary ornaments of the ſaid churches; and alſo for repairing the ſaid old pariſh church of St. Michans, who are hereby required, within one month after they ſhall be ſo nominated and appointed, to give in an eſtimate in writing to the ſaid chief governors and council for the time being, under the hands of five or more of them, of the charges neceſſary for building, finiſhing, and repairing the ſaid ſeveral churches, and providing ſuch ornaments, after which eſtimate ſo returned in, the chief governor or governors and council of this kingdom ſhall nominate and appoint ſuch perſon or perſons, as to them ſhall ſeem meet, to take and receive the ſubſcriptions and contributions of ſuch perſon and perſons, bodies politick and corporate, as ſhall be willing to contribute any thing towards the building the ſaid churches, and other conveniencies, and to collect and receive the money ſo ſubſcribed, of which ſubſcriptions and collections ſuch perſon or perſons ſo to be appointed ſhall within three months after their being ſo appointed, make true return to ſuch chief governor or governors and council, and pay the ſame according to their direction; and for the levying and raiſing ſo much as ſhall remain to be raiſed of the ſaid ſum required in ſuch eſtimate, it ſhall and may be lawful to and for the chief governor or governors and council of this kingdom, for the time being, to appoint thirty diſcreet perſons inhabiting within the ſaid pariſh of old Saint Michans, as the ſame was before the making this preſent act, to be aſſeſſors and applotters to applot and apportion ſuch ſum ſo remaining to be raiſed, or ſo much thereof as ſhall be thought neceſſary and approved of by the ſaid chief governor or governors and council of this kingdom, on the ſeveral inhabitants, owners and occupiers of the ſeveral houſes, lands and tenements within the ſaid old pariſh of Saint Michans, as the ſame was before the making of this act reſpectively, by an equal pound rate, according to the yearly value of ſuch houſes, lands and tenements, and to ſettle what proportion ſhall be paid thereof by the landlord, and how much thereof by the tenants, and to make a true return of ſuch aſſeſſment and applotment under their hands, or the hands of ſeventeen or more of them, to the ſaid chief governor or governors and council of this kingdom, within two months after they ſhall be ſo appointed aſſeſſors in manner aforeſaid, and ſuch aſſeſſors ſo to be appointed are hereby required to make ſuch applotment, and to return the ſame accordingly.

IX. And be it further enacted by the authority aforeſaid, That the ſum and ſums ſo applotted on the inhabitants, owners, and occupiers of ſuch houſes, lands, and tenements, according to ſuch pound rate, ſhall be paid by eight quarterly payments in two years next enſuing ſuch applotment, the firſt quarterly payment to commence on the twenty ninth day of September, which ſhall be in the year of our Lord one thouſand ſix hundred ninety eight; which return, being approved of by ſuch chief governor or governors and council for the time being, ſhall be as good and effectual a charge on every particular inhabitant, owner, or occupier of any houſe or houſes, lands or tenements there, as if the very ſame ſum or ſums had been particularly expreſſed and enacted to be charged upon ſuch inhabitant, owner, or occupier of ſuch houſe or houſes, lands and tenements, and ſhall be paid by ſuch perſon or perſons, on whom they ſhall be ſo charged reſpectively.

X. Provided always, That no perſon or perſons ſhall act as commiſſioner or aſſeſſor in manner aforeſaid, before he or they ſhall have taken an oath before the lord mayor or recorder of the city of Dublin for the time being, who are hereby authorized to adminiſter the ſame truely to aſſeſs each inhabitant, owner or occupier of any houſe or houſes, lands or tenements, within the ſaid pariſhes, and every of them, according to the beſt of his or their ſkill or knowledge, without eaſing any perſon or perſons for favour or affection, or charging any perſon through hatred or prejudice; which ſaid aſſeſſors ſhall each of them be taxed and aſſeſſed by themſelves, by the majority of the pariſhioners of the ſaid old pariſh of Saint Michans,

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at an aſſembly of them to be had for that purpoſe, in the nature and according to the courſe of their holding a veſtry, and each of the ſaid aſſeſſors ſhall withdraw during the time of their reſpective aſſeſſments, and not be preſent at the making of the ſame. A. D. 1697. Chap. 16.

XI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid chieffe governor and governors and council of this kingdom, for the time being, to remove any ſuch commiſſioner or aſſeſſor as they ſhall ſee cauſe, and to appoint one or more other perſon or perſons of the ſaid pariſh in the room of ſuch as ſhall be ſo removed; and alſo, on the death of any ſuch commiſſioner or aſſeſſor, to appoint others of the ſaid pariſh in their room from time to time.

XII. And be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid commiſſioners and aſſeſſors, or the major part of them, and they are hereby required, to appoint and return to the ſaid chieffe governor or governors and council, under their hands, or the hands of ſeventeen or more of them, the names of nine perſons to be ſupervifors for repairing the ſaid church of Saint Michans, and building and providing the ſaid two new churches, and other conveniencies belonging thereunto, and for diſburſing and laying out the ſum and ſums of money to be expended in and about the ſame, as alſo for taking and receiving all accounts relating thereunto, which they and each of them are hereby required to execute accordingly, the ſaid accounts nevertheleſs to be ſubject to the inſpection and comptrol of the commiſſioners and aſſeſſors aforeſaid, or any ſeventeen of them.

XIII. And it is hereby further enacted, That the ſaid ſupervifors or any five or more of them, ſhall and may from time to time, and as of often as they ſhall think fit, appoint two or more perſons to be collectors for the ſaid pariſhes, or ſuch part of them, or either of them, as they ſhall think fit, to collect and gather the ſeveral ſum and ſums, ſo to be ſet and charged on the ſeveral perſons within the limits of ſuch their reſpective collections, who are hereby required to collect and gather in the ſame accordingly, and to pay what they ſhall ſo collect from time to time, as they ſhall be thereto required, to ſuch perſon or perſons as by the ſaid ſupervifors, or any five or more of them, ſhall be appointed treaſurer or receiver for the ſame, as is herein after mentioned, whoſe receipt for the ſame ſhall be a ſufficient diſcharge to ſuch collectors; and ſuch collectors ſhall from time to time, when thereunto required by the ſaid ſupervifors, or any five or more of them, render a juſt and true account to them of ſuch their ſeveral collections and payments, on which account they ſhall be allowed for their paynes in ſuch collection ſuch ſum and ſums of money, not exceeding twelve pence in the pound, as ſuch ſupervifors ſhall agree with them for, or think fit; and that the ſaid collectors ſhall and are hereby required, in caſe of neglect or refuſal of any perſon or perſons to pay the ſum charged on him or them, to levy the ſame by warrant, under the hands and ſeals of the ſaid ſupervifors, or any five or more of them, by diſtreſs and ſale of the goods of ſuch inhabitant, owner or occupier ſo refuſing to pay the ſum or ſums ſo aſſeſſed or applotted on him or them, rendering the ſurplus to the owner of ſuch goods; and that the ſaid ſupervifors, or any five or more of them ſhall within twelve months after the ſaid twentieth day of November next, and ſo once every year until the ſaid churches ſhall be built, name one or more perſon or perſons to be treaſurer or receiver for the enſuing year, of all ſuch money as ſhall be collected or raiſed for the ſaid work, ſuch treaſurer to be approved of by the ſaid commiſſioners or aſſeſſors, or any ſeventeen of them; and the ſaid treaſurer ſhall alſo pay ſuch ſum or ſums for the uſes aforeſaid, as by the ſaid ſupervifors, or any five or more of them, ſhall be directed; and that the ſaid treaſurer ſhall for his paines and trouble therein receive ſuch ſallary as by the ſaid ſupervifors, or any five or more of them, ſhall be deemed reaſonable, not exceeding three pence in the pound; and the ſaid ſupervifors ſhall alſo out of the money to be collected as aforeſaid have and receive ſuch reward, as by the ſaid commiſſioners, or any ſeventeen of them, ſhall be deemed reaſonable, and ſhall alſo from time to time make ſuch rules, orders, and directions for and

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towards the carrying on of the aforeſaid buildings and works, as to them, or the major part of them, ſhall ſeem meet and reaſonable.

XIV. Provided always, That if any perſon or perſons ſhall think him or themſelves aggrieved or injured by the ſaid commiſſioners, aſſeſſors, or ſupervifors, it ſhall and may be lawful to and for ſuch perſon and perſons to make his and their complaint to the chieffe governor or governors and council of this kingdom for the time, who are hereby impowered to give ſuch redreſs and reliefe to the perſon and perſons ſo complaining, as to them ſhall ſeem juſt and reaſonable.

XV. And be it further enacted by the authority aforeſaid, That from and after the ſaid two churches ſhall be built and finiſhed as aforeſaid, and the ſaid old church of St. Michans once repaired, the miniſter or rector, and pariſhioners of each of the ſaid pariſhes ſhall and may hold veſtries, and make by-lawes, rules and orders for the regulation and ordering of their reſpective pariſhes, reparations of the ſaid pariſh churches from time to time, and all other matters incident to pariſhes according to courſe, and as any other pariſhes of and in the city of Dublin, or elſewhere, may or can do, which ſhall have the ſame and no greater force and effect in law, as by-lawes, rules, and orders made in ſuch other pariſhes have, or ought to have.

XVI. Provided always, That nothing in this act contained ſhall extend to barr or hinder the reverend doctor John Pooley, dean of Kilkenny, and late incumbent of the ſaid old church of St. Michans, Richard Tighe, Robert Conſtantine, and Andrew Rock, late church-wardens for the ſaid church or either of them, their or either of their executors or adminiſters, from recovering all ſuch ſums as have been ordered to or for them, or either of them, by virtue of any decree, act of veſtry, or otherwiſe by them heretofore obtained againſt the Pariſhioners and inhabitants thereof.

XVII. And it is hereby further enacted, That the right of patronage of the ſaid rectories, and of preſentation to the ſaid three churches on the avoidance of each of them reſpectively, by the death, ſeſſion, or removal of the reſpective incumbents hereby appointed for the ſame, ſhall belong unto the dean and chapter of Chriſt-church in Dublin, and their ſucceſſors for ever, in ſuch manner as the nomination or preſentation to the rectory of the old pariſh of St. Michans did belong to them, and no otherwiſe.

XVIII. And whereas there are ſeveral ſums of money due and in arrear from ſeveral of the pariſhioners of the ſaid old pariſh of St Michans to the reverend doctor John Pooly deane of Kilkenny, and late rector or miniſter of the ſaid old pariſh, for the taxacion or aſſeſſment of the ſaid pariſhioners towards the ſupport of the miniſter thereof for their reſpective houſes or lands within the ſaid pariſh; be it enacted by the authority aforeſaid, that the ſaid dean of Kilkenny, his executors or adminiſtrators notwithſtanding his removal from the ſaid pariſh by his promotion to the biſhoprick of Cloyne, or by this preſent act, ſhall and may have and maintaine ſuch remedy for recovery of ſuch arrears, as before ſuch his removal he might have had or maintained, or in caſe he the ſaid dean of Kilkenny ſhall chooſe rather to bring his action of debt for ſuch his arrears in any of his Majeſty's courts of Dublin, he ſhall or may have and maintaine ſuch action for ſuch arrears againſt the reſpective perſons, from whom the ſame are ſo due, his or their executors or adminiſtrators.

XIX. And it is hereby further enacted, That the ſum of twelve pounds eleven ſhillings, being payable to his Majeſty for the firſt fruits of the ſaid old pariſh of St. Michans, ſhall be paid and borne by all the ſaid pariſhes in manner and according to the proportions following: *viz.* the ſum of three pounds, part thereof by the miniſter or rector of the ſaid pariſh of St. Paul's for the time being; the ſum of four pounds more thereof, by the rector or miniſter of the ſaid pariſh of St. Mary for the time being; and the ſum of five pounds eleven ſhillings, reſidue of the ſaid ſum of twelve pounds eleven ſhillings, by the miniſter or rector

tor of the ſaid new pariſh of St. Michans for the time being, and that the twentieth part, alſo due to his Majeſty for the ſaid old pariſh ſhall be paid and borne by the miniſters of the ſaid ſeveral pariſhes reſpectively, according to the ſame proportions as the ſaid firſt fruits are herein before appointed to be paid. A. D. 1697.

CHAP. XVII.

¶ *An Act for erecting and continuing Lights in the City of Dublin, and the ſeveral Liberties adjoining.*

WHEREAS it hath been found by experience, that all cities well furniſhed with publick lights in the dark nights between Michaelmas and Lady-day, are much freer from murders, robberies, thefts, and other inſolencies, then ſuch cities as are not ſo furniſht: and whereas it is apparent that the erecting and continuing ſuch lights in the city of Dublin, and ſuburbs and libertyes thereof, and likewiſe in the libertyes of St. Pulchers, and of the earl of Meath, will conduce very much to the ſecurity, benefit and advantage of the inhabitants of thoſe reſpective places, and of all others reſorting to and frequenting the ſame: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the lord-mayor, ſheriffs, commons, and citizens of the ſaid city of Dublin, and their ſucceſſors, ſhall have full power and lawful authority from time to time during the ſpace of one and twenty years herein after mentioned, and from henceforth to the end of the next ſeſſion of Parliament, to cauſe publick lights to be erected and maintained in the ſaid city and the libertyes thereof; and in like manner the moſt reverend father in God Narciſſus lord archbiſhop of Dublin, and his ſucceſſors, ſhall have full power and lawful authority from time to time during the term aforeſaid, to cauſe publick lights to be erected and maintained in the ſaid liberty of St. Pulchers; and in like manner the right honourable Edward earl of Meath, now lord of the libertyes of St. Thomas-court and Donore, and the lords of the ſaid libertyes for the time being, ſhall from time to time, during the term aforeſaid, have full power and lawful authority to cauſe publick lights to be erected and maintained within the ſaid libertyes of St. Thomas-court and Donore, and that for all the ſaid places both in the ſaid city and ſeveral libertyes ſuch lights ſhall be ſet up in manner following: (that is to ſay) either with ſuch glaſs lanthorns with lamps as are now uſed for publick lights between Whitehall and Kenſington in England, or otherwiſe with a ſort of triangle glaſs lanthorns with lamps about the ſame ſize with the other, to be ſet ſo as that no lamp ſhall be at a greater diſtance than two and twenty yards from any one houſe in all the ſtreets, conſiderable lanes, and other broad places, and that the lamps in all ſuch places be ſet tranſverſly on both ſides of all ſuch ſtreets, conſiderable lanes, and other broad places, and that in narrow by-lanes and alleys no lamp ſhall be at a greater diſtance then three and thirty yards from any one houſe, and that the lamps ſhall be placed tranſverſly in all ſuch places, and that the Old Bridge, Ormond Bridge, and Eſſex Bridge be alſo ſufficiently enlightened, and that the lanthorns be fixed nine foot high, or thereabouts, either on poſts to be erected for that purpoſe, or upon irons or ſome other apt and convenient matter or thing to be fixed to the houſes; and the glaſs of the ſaid lanthorns to be always clear, white, or French glaſs, and that no convex glaſſes be uſed about the ſame, and that the ſaid lanthorns ſo erected be ſufficiently maintained with good and ſufficient lights that ſhall continue burning in every dark night yearly between Michaelmas and Lady-day, to begin about candle lighting or five of the clock in the afternoon, and to continue burning until twelve of the clock at night, or during ſo much time thereof as ſhall not be enlightened

4 *G.* 1. 9.
6 *G.* 1. 18.
8 *G.* 1. 16.
3 *G.* 2. 22.
11 *G.* 2. 19.
15 *G.* 2. 11.
33 *G.* 2. 18.

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by the moon; and the ſaid lanthorns are to be cleanſed, and lamps ſnuffed, as often as there ſhall be occaſion.

II. And it is further enacted by the authority aforeſaid, That the ſaid lord mayor for the time being, and the ſheriffs, commons, and citizens of the ſaid city of Dublin, and their ſucceſſors, and likewiſe that the moſt reverend father in God, Narciſſus lord archbiſhop of Dublin, lord of the liberty of St. Pulchers, and his ſucceſſors, and alſo the right honourable Edward earl of Meath, now lord of the libertyes of St. Thomas Court and Donore aforeſaid, and the lords of the ſaid libertyes for the tyme being, ſhall have reſpectively for the ſpace of one and twenty years, to be computed from the ſixth day of November one thouſand ſix hundred ninety ſeven, full power and lawfull authority, from time to time and at all times hereafter, to cauſe ſuch publick lights ſo to be erected as aforeſaid, and to be fixed to any houſe or houſes, or part or parts thereof, or to be ſet upon poſts or otherwiſe within the ſaid reſpective juriſdictions as to them reſpectively, their reſpective deputies or aſſigns, ſhall ſeem moſt convenient to anſwer the ends deſigned by this act, and to ſupport and maintaine ſuch lights there, or after remove, or change the ſame, ſo as thereby no damage be done to any ſuch houſe or houſes, or part or parts thereof, or to the pavements, other than what ſhall be repaired and made good immediately by the perſon or perſons ſo doing the ſame.

III. And be it further enacted by the authority aforeſaid, That for paying and bearing all the charges and expences of the ſaid ſeveral lanthorns or publick lights ſo to be erected and maintained, there ſhall be allowed and paid during the continuance of this act as is herein after mentioned: (that is to ſay) the reſpective inhabitants of all the ſtreets, conſiderable lanes, and other broad places as aforeſaid, where the furtheſt diſtance between a lamp and any one houſe ſhall not exceed twenty and two yards, ſhall each of them, for each reſpective houſe ſo enlightened as aforeſaid, pay the ſum of three ſhillings *ſterl.* yearly, at two equal payments, at Chriſtmas and Lady day, for all ſuch time as the ſaid houſes ſhall be inhabited, and that the narrow lanes and alleys where the furtheſt diſtance between a lamp and a houſe ſhall not exceed thirty and three yards, the inhabitants of every houſe in ſuch places pay only two ſhillings *ſterl.* yearly for each houſe while inhabited and lighted with the publick lamps or lights aforeſaid, at two equal payments at the times aforeſaid, being Chriſtmas and Lady Day, and that in every lane or alley, tho' not of the length of thirty three yards, there be erected one ſuch lamp or light at leaſt.

IV. And be it further enacted by the authority aforeſaid, That in caſe any of the inhabitants of the ſaid city and ſeveral libertyes, who ſhall at any time hereafter inhabit, poſſeſs, and enjoy any of the houſes, that ſhall be ſo lighted with the lamps at the diſtances aforeſaid, ſhall refuſe or neglect to pay according to the rate or rates aforeſaid, for any houſe inhabited, and ſo lighted as aforeſaid, the ſame being lawfully demanded, it ſhall and may be lawfull to and for the ſaid lord mayor, ſheriffs, commons, and citizens of the ſaid city, and their ſucceſſors, and the reſpective lords of the ſaid libertyes of St. Sepulchres, and St. Thomas Court, and Donore, and their reſpective ſeneſchals for the time being during the ſpace of eighteen years, to commence the twenty ninth day of September, which ſhall be in the year of our Lord God one thouſand ſix hundred ninety eight by ſuch perſon herein after named, his executors, adminiſtrators or aſſigns, who ſhall by this act be appointed by conſent of and under the ſaid lord mayor, ſheriffs, commons and citizens, and the reſpective lords of the ſaid libertyes of St. Sepulchre's and St. Thomas Court and Donore, to erect and maintaine the lanthornes and publick lights according to the true intent and meaning of this act by him or themſelves, or his or their ſervants or bailiffs, and after the expiration of the ſaid eighteen years, during the continuance of this act, by the reſpective bailiffs and ſervants of the ſaid lord mayor, ſheriffs, commons, and citizens, and of the ſaid lords of the ſaid libertyes reſpectively, or

their reſpective bailiffs or ſervants, and at any time or times after the ſpace of ten days or more after ſuch demand, to diſtraine the goods of ſuch perſon or perſons ſo refuſing or neglecting to pay the ſame, that ſhall or can be found within the ſaid city and the libertyes thereof, or the ſaid reſpective libertyes of St. Sepulchre's, or St. Thomas Court, and Donore for the ſame, and to levy ſuch rates or reſpective ſums by ſale of ſuch goods ſo diſtrained, returning to the owner of ſuch goods the overplus, if any ſhall be, after what is really due and reaſonable charges for diſtraining be deducted.

V. Provided always, That no waſte houſe or the owner thereof ſhall be liable to pay any thing towards the ſaid lights for the time it ſhall continue waſte.

VI. And provided alſo that no inhabitant or inhabitants of the ſaid city or ſeveral libertyes ſhall be charged with the payment of any ſum or ſums of money whatſoever for or towards maintaining of ſuch lanthorns and lights in this act aforementioned, unleſs ſuch publick lights ſhall be erected and kept at the diſtances aforeſaid, and maintained for the enlightening of their reſpective habitations according to the true intent and meaning of this act; any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

VII. And whereas Michael Cole of the city of Dublin merchant, hath invented and found out a way to ſupply the ſaid lanthrons and lamps, and to maintaine the ſaid lights with tallow and other ingredients of that kind inſtead of oil, at the rates before in this act propoſed, being much cheaper than any other hath hitherto offered to do the ſame for; and whereas an advantage will accrew to the country in general, by the conſumption of the product of this kingdom only in the ſaid lights and alſo a particular benefit to the inhabitants of the ſaid city and ſeveral liberties, in the price of maintaining the ſame: and whereas the ſaid Michael Cole hath already been at great charges in money, and pains in perfecting the ſaid invention, and hath undertaken to ſet up, furniſh, and fix ſuch lanthorns, lamps, and lights as aforeſaid, and to maintain the ſame burning as they ought to be according to the true intent and meaning of this act, and to provide the many ſervants and rooms in ſeveral parts that will be neceſſary for the more effectual management of the ſame; and to provide all other utenſils to be employed therein; and all theſe at his own proper coſt and charges, for the ſpace of eighteen years to commence the twenty ninth day of September, which ſhall be in the year of our Lord one thouſand ſix hundred ninety eight, and at the end thereof to give up the ſaid lanthrons and lamps, well fixed, in good condition and repair, to the ſaid lord mayor, ſheriffs, commons and citizens of Dublin, and to the lords of the ſaid libertyes for the time being reſpectively, which it is hereby enacted by the authority aforeſaid the ſaid Michael Cole, his executors, adminiſtrators, and aſſigns, ſhall do and perform, and likewiſe that he or they ſhall then diſcover to them reſpectively his whole art in the uſe of the ſame: and whereas the ſaid lord mayor, ſheriffs, commons, and citizens, and alſo the lords of the ſaid libertyes have upon the conſiderations aforeſaid reſpectively appointed the ſaid Michael Cole their deputy to put this act in execution, and have reſpectively conſented and agreed that the ſaid Michael Cole, his executors, adminiſtrators, and aſſigns, ſhall during the ſpace of eighteen years, to commence as aforeſaid, have the ſole management of the ſaid lanthorns, lamps, and lights, which he, his executors, adminiſtrators, or aſſigns, is and are during that time to maintaine and keep in good order in all reſpects as aforeſaid, and that in conſideration thereof the ſaid Michael Cole, his executors, adminiſtrators and aſſigns, ſhall have and enjoy the whole benefit and advantage of the rates and aſſeſſments in this act before ſpecified, as payment for the ſaid lanthorns, lamps, and lights, and for ſupporting and bearing the yearly charge in maintaining thereof: be it therefore enacted by the authority aforeſaid, That the ſaid Michael Cole, his executors, adminiſtrators, and aſſigns, and his and their deputies by conſent and appointment as aforeſaid, and no other, during the ſaid

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time of eighteen years as aforeſaid, ſhall have power and liberty to erect and fix, or ſet up, ſuch lanthorns and lamps as aforeſaid in the ſaid city and ſeveral libertyes, and to maintaine lights in the ſame; and that the ſaid Michael Cole, his executors, adminiſtrators, and aſſigns, ſhall by him or themſelves, or his or their ſervants, have full power and lawful authority by virtue of this act to collect, diſtraine, and receive to his and their own uſe, during the continuance of the ſaid eighteen years, all ſuch ſums of money whatſoever as are or ſhall be, by virtue of this act according to the rates aforeſaid aſſeſſed, or ſhall be payable for erecting and maintaining ſuch lights, and in caſe of non-payment by the ſpace of ten days after demand as aforeſaid, it ſhall and may be lawful to and for the ſaid Michael Cole, his executors, adminiſtrators, or aſſigns, or his or their ſervants or bailiffs, from time to time and at all times hereafter, as often as there ſhall be occaſion during the ſaid term of eighteen years, to diſtraine for ſuch aſſeſſment or rates upon any inhabitant, that ſhall refuſe or neglect to pay the ſame, and to make ſale of ſuch diſtreſs or diſtreſſes, deducting thereout what is really due and reaſonable charges for diſtraining, returning the overplus to the owner, according to the true intent and meaning of this act; and in caſe the ſaid Michael Cole, his executors, adminiſtrators, or aſſigns ſhall be negligent in performing his or their duties in not erecting or fixing of lanthorns and lamps at all convenient places within the ſaid city and libertyes aforeſaid, or in not maintaining the lights, and ſnuffing them, and cleaning the glaſs of the lanthorns, as they ought to be according to the true intent and meaning of this act, that then the ſaid Michael Cole, his executors, adminiſtrators, or aſſigns ſo neglecting after the ſaid twenty ninth day of September, which ſhall be in the year of our Lord one thouſand ſix hundred ninety eight, being thereof convicted by the judgment of any one juſtice of the peace of the city or county, where the offence ſhall ariſe, by the oaths of two ſufficient witneſſes at the leaſt, which the ſaid juſtice is by this act authorized to adminiſter, ſhall forfeit for every ſuch default or neglect the ſum of two ſhillings and ſix pence *ſterl.* the one moiety thereof to the poor of the pariſh where the ſaid fault or neglect ſhall happen, and the other moiety to him or them that ſhall think fit to proſecute before the juſtice for the ſame, the ſaid forfeiture to be levied by diſtreſs upon the goods and chattels of him the ſaid Michael Cole, his executors, adminiſtrators, or aſſigns, by warrant or warrants under the hand and ſeal of the ſaid juſtice, directed to the conſtable of the pariſh where the ſaid Michael Cole, his executors, adminiſtrators, or aſſigns ſhall dwell.

VIII. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced or brought againſt any perſon or perſons whatſoever for doing or cauſing to be done any thing in purſuance of this act, the defendant in ſuch action may plead the general iſſue, and give the ſpecial matter in evidence; and if upon ſuch action or ſuit verdict be given for the defendant, or the plaintiff become nonſuit, or diſcontinue his action; then in ſuch caſe the defendant or defendants in ſuch action or ſuit ſhall have double coſts.

IX. And be it further enacted by the authority aforeſaid, That if any replevin or replevins ſhall be brought or proſecuted by any perſon or perſons for any goods or chattels, that ſhall hereafter be diſtrained or taken in diſtreſs by the ſaid Michael Cole, his executors, adminiſtrators, or aſſigns within the ſaid city or libertyes thereof, for not making payment for maintaining the ſaid lights therein according to the intent and meaning of this act, then the whole matter in diſpute upon ſuch proſecution ariſing ſhall be heard finally, and ſummarily determined, by and before the lord mayor of the ſaid city of Dublin for the time being, and not elſewhere: and as to all matters in diſpute upon ſuch proſecution or proſecutions ariſing within the ſaid reſpective libertyes of Saint Sepulchres, and Saint Thomas Court and Donore, the ſame ſhall be heard finally, and ſummarily determined, by and before the reſpective ſeneſchalls of the ſaid liberties for the time being, and not elſewhere.

THE

THE TENTH YEAR OF WILLIAM III.

CHAP. I.

A. D. 1698.

An Act for the Relief and Releaſe of Poor diſtreſſed Priſoners for Debt or Damages.

FORASMUCH as very many perſons now detained in priſon are miſerably impoveriſhed, either by reaſon of the late unhappy rebellion in this kingdom, their own misfortunes, or otherwiſe, ſo as they are totally diſabled to give any ſatisfaction to their creditors, and by being detained in priſon without advantage to any, are rendered uſeleſs and a burthen to the kingdom, to the great prejudice thereof: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That all perſons, who were in priſon upon the firſt day of Auguſt in the year of our Lord God one thouſand ſix hundred ninety ſeven for debt or damages, or for or upon any action or actions, or upon any mean proceſs for debt or other actions whatſoever, which actions by proſecution of law may become judgments, or who have judgments entered upon record againſt them, or are charged in execution or impriſoned upon attachment debt, or upon outlawries, before or after judgment for debt, or upon any other

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proceſs whatſoever, iſſuing out of any court of law or equity for the cauſe of debt or damages, or coſts only, who ſhall take the oath hereafter mentioned, ſhall and may be releaſed and diſcharged from their impriſonment, in ſuch way and manner as is herein and hereafter provided.

II. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any juſtice of the peace of any county, city, town, or liberty, within the kingdom of Ireland, by warrant under his hand and ſeal, to require the ſheriff, goaler, or keeper of any priſon within his reſpective juriſdiction, to bring before him without delay the body of any perſon being in priſon for debt, or any other action as aforeſaid, on the firſt day of Auguſt aforeſaid, and the ſaid perſon petitioning ſuch juſtice to be diſcharged to ſome convenient place within the diſtance of one mile from the ſaid priſon, and ſhall certifie the cauſe and cauſes of the impriſonment before the ſame juſtice, which warrant every ſuch ſheriff, goaler, and keeper is hereby commanded to obey; and in caſe ſuch priſoner coming before ſuch juſtice ſhall take an oath to this effect before the ſaid juſtice:

I A. B. *do upon my corporal oath ſolemnly profeſs and declare, before Almighty God, that I am not worth in lands, money, goods, or ſtock, nor any other eſtate, real or perſonal, in poſſeſſion, reverſion, or remainder, of the value of five pounds in the whole, or ſufficient to pay the debt or damage for which I am impriſoned; and that I have not directly or indirectly ſold, leaſed, or otherwiſe conveyed, diſpoſed of, or intruſted all or any part of my ſaid money, lands, goods, ſtock, or eſtate, whereby to ſecure the ſame, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors whatſoever, to whom I am indebted.*

So help me God, &c.

Which ſaid oath the ſaid juſtice of the peace is hereby impowered and authorized to adminiſter; that then after making of ſuch oath, the ſaid juſtice ſhall remand the priſoner to priſon, and ſhall without fee give a certificate thereof in writing under his hand and ſeal to the ſaid priſoner, to be ſerved on ſuch perſon or perſons, his or their executors or adminiſtrators, or to be left at the place of the uſual abode of ſuch perſon or perſons, at whoſe ſute the priſoner ſtandeth charged and impriſoned, thereby appointing as well the ſaid perſon or perſons as the ſaid priſoner to appear before the juſtices at the next general quarter-ſeſſions of the peace to be held for the ſame county, city, town, or liberty; and when it ſhall appear upon oath before the ſaid juſtices (which ſaid oath the ſaid juſtices are hereby impowered and authorized to adminiſter) that the ſaid certificate was ſo ſerved or left ten days or more before the ſaid ſeſſions, and that the ſaid oath taken by the ſaid priſoner be not diſproved by good teſtimony of any credible perſon or perſons upon oath, to be adminiſtred by the ſaid juſtices by virtue of this act; then the ſaid juſtices, being ſatisfied therein, ſhall without fee direct their warrant under their hands and ſeals, commanding the ſaid ſheriff, goaler, or keeper of the priſon, to let at liberty and diſcharge the ſaid priſoner, if impriſoned for the cauſes aforeſaid, and no other, without paying any thing for the fees or chamber-rent; which warrant ſhall be a ſufficient diſcharge to the ſaid ſheriff, goaler, or keeper of the priſon, and no action of eſcape or other action ſhall be brought againſt them, or any of them in any wiſe for the ſame.

III. Provided always, That if any creditor ſhall inſiſt to have his debtor continued in priſon after he hath taken the ſaid oath, and will allow him a weekly maintainance to be appointed by the juſtices of the peace, not exceeding fourteen pence the week, that ſuch priſoner ſhall be continued in priſon for the ſpace of three months, on payment of the ſaid weekly allowance as aforeſaid; which ſaid money ſhall be paid weekly to the ſaid priſoner himſelf, and not to the goaler, keeper, or any other for him: and if within the ſpace of three months after ſuch weekly allowance by any creditor, no eſtate of the priſoner ſhall be diſcovered or made out before two juſtices of the peace of that county and diviſion, where the ſaid priſoner is kept

in

in priſon, then the ſaid priſoner ſhall without fee be forthwith diſcharged by warrant under the hands and ſeals of any two juſtices of the peace of the ſame county or diviſion, where the ſaid priſoner ſhall be ſo impriſoned, to the keeper of ſuch priſon in that behalf directed, as fully and amply as if ſuch priſoner had been diſcharged by the juſtices of the peace at the quarter-ſeſſions; and that then and from thenceforth the ſaid weekly allowance ſhall ceaſe and determine, as if the ſame had never been made.

IV. And be it further enacted by the authority aforeſaid, That no priſoner, diſcharged out of priſon by virtue of this preſent act, ſhall at any time hereafter be impriſoned for or by reaſon of any debt or damages, or any ſum or ſums of money, contracted or grown due to or recovered by any perſon or perſons, at whoſe ſute the ſaid priſoner did ſtand charged in any priſon, or any other perſon or perſons, to whom ſuch priſoner did give notice, under the hand and ſeal of ſome juſtice of the peace of the ſame county or place, the ſpace of ten days before the time of his diſcharge, of his intention to receive the benefit of this act, and of the way and courſe he intended to take for obtaining the ſame, before the time of their diſcharge as aforeſaid: but that upon any arreſt for ſuch debt, damages, or ſums of money, it ſhall and may be lawful for them, ſhewing a duplicate of their diſcharges under the hands and ſeals of the juſtices of the peace by whom they were diſcharged, or of any two of them, or of ſuch juſtices of the peace, in caſe ſuch priſoner be diſcharged after an allowance of maintenance by the creditors for three months as aforeſaid, which the ſaid juſtices are hereby required to give without fee to every priſoner ſo by them diſcharged, to retain an attorney to appear for them and file common bail to every ſuch action, and plead thereunto, ſo that the plaintiff (if he pleaſe) may recover and enter judgment againſt ſuch priſoner, to be executed and levyed upon the lands, tenements, goods, and chattles of ſuch priſoner ſo diſcharged as aforeſaid (his or her wareing apparel, furniture for his or her dwelling-houſe, the ſaid furniture and neceſſary tools for his or her trade and occupation not exceeding five pounds in value, only excepted,) but not upon the perſon or perſons of the priſoners, the perſons of ſuch priſoners being hereby for ever freed and diſcharged from impriſonment for any debt, treſpaſs upon the caſe, duty, ſum or ſums of money, or things thereunto relating, contracted or due before the time of their diſcharge, having had notice as aforeſaid.

V. And be it further enacted by the authority aforeſaid, That in caſe any ſheriff, goaler, or keeper of a priſon ſhall refuſe or delay for three days to bring before ſuch juſtice of the peace, or, after a warrant of diſcharge delivered to him as aforeſaid, refuſe or neglect to ſet at liberty, any priſoner or priſoners according to the ſaid order of the juſtice or juſtices of the peace made in the purſuance of this act; every ſuch goaler, ſheriff, or keeper of priſon ſhall forfeit and pay to ſuch priſoner, ſo detained contrary to ſuch order, the ſum of twenty pounds, to be recovered by bill, plaint, ſute, or action of debt in any of his Majeſty's courts of record, wherein no eſſoyne, protection, or wager of law is to be allowed, nor more than one imparlance granted; and ſhall alſo be liable and ſubject to ſuch fine and impriſonment for ſuch time, not exceeding two months, as the ſaid juſtices of the peace ſhall upon complaint thereof to them made order and award.

VI. And be it further enacted by the authority aforeſaid, That upon any action of eſcape, or other ſute brought or to be brought againſt any juſtice of the peace, ſheriff, goaler, or keeper of priſon for any thing done in obedience to this act, it ſhall and may be lawful to and for any ſuch juſtice of the peace, ſheriff, goaler, and keeper of priſon, to plead the general iſſue, and give this act in evidence; which ſhall be a good and ſufficient diſcharge, and ſave harmleſs every ſuch juſtice of the peace, ſheriff, goaler, and keeper of priſon, pleading the ſame; and if the plaintiff in any ſuch action be non-ſuted, or verdict paſs againſt him, the defendant ſhall have double coſts, to be taxed by the court where ſuch action is brought.

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VII. Provided always, That the diſcharge of any perſon or perſons by virtue of this act ſhall not amount unto or be conſtrued to free or diſcharge any other perſon or perſons joyntly or ſeverally bound for, or lyable to anſwer or ſatisfy, the ſaid debt or any part thereof, either as principal or ſurety, but that ſuch other perſon or perſons ſhall be lyable to anſwer the ſaid debt and damages in ſuch manner, to all intents and purpoſes, as they were before the diſcharge of ſuch priſoner.

VIII. Provided alſo, That no perſon by virtue of this act ſhall be diſcharged out of priſon, who ſhall be charged in execution with more than the ſum of fifty pounds to any one perſon principal money and damages.

IX. Provided always, That if any priſoner, who ſhall be releaſed by virtue of this act, ſhall at any time afterwards be found or ſuſpected by any creditor to have in ready money, goods or chattels in his own hands and poſſeſſion, or in the hands of any others to his or her uſe, or in truſt for him or her, in value over and above what he or ſhe is allowed by this act, other than ſuch goods in his ſhop or work-houſe, as he ſhall have been credited and truſted with ſince the time of his diſcharge, and for what he ſhall be really indebted at the time of making ſuch oath, and he or ſhe will not, or do not, upon convenient demand pay his or her debt or debts therewith, as far as the ſame will reach, that then and in ſuch caſe at the requeſt of any creditor the ſaid oath ſhall be tendered to him or her again by any juſtice of the peace in this act before impowered to adminiſter the ſaid oath for diſcharge of priſoners, or by any judge of the court, wherein there is judgment againſt him, when he or ſhe refuſing to take the ſaid oath ſhall be remanded to priſon in execution for ſuch debt or debts; any thing in this act to the contrary notwithſtanding.

X. Provided alſo, That this act ſhall not extend to any perſon or perſons in execution for any fine, on him or her impoſed for any offence by him or her committed.

XI. Provided, That ſuch perſon or perſons as is or are detained in priſon upon any meaſne proceſs, if it ſhall be deſired by any creditor before any juſtice of the peace, to whom ſuch priſoner has applyed for his diſcharge, ſhall forthwith give a warrant to ſome attorney to appear, or file common bail for him or them in the court out of which the ſaid meaſne proceſs iſſued, and to receive a declaration at the plaintiffs ſute, and that ſuch priſoner ſhall thereupon have the full benefit of this law, as to the liberty of his perſon, againſt his ſaid impriſonment upon the ſaid meaſne proceſs, and againſt any judgment or execution that ſhall be had againſt him in that ſute, and againſt any other ſute, that ſhall be brought againſt him for the ſame matter or cauſe of action, to all intents and purpoſes as fully and beneficially as if he had been charged in execution at the ſaid plaintiffs ſute, before the firſt day of Auguſt aforeſaid; but ſuch perſon in priſon upon meaſne proceſs ſhall, in caſe of his refuſal to give ſuch warrant of attorney, looſe the whole benefit of this act.

XII. Provided always, That no merchant ſtranger, or other alien or foreigner, that hath been arreſted, and is in priſon, on any action or ſute for or by reaſon of any debt, or other engagement, contracted or entred into beyond the ſeas, ſhall have any benefit of this act; but that all and every ſuch merchant ſtranger and other alien and foreigner, ſhall and may be detained in priſon, and proceeded againſt as if this act had never been made.

XIII. Provided always, That no priſoner ſhall be diſcharged by virtue of this act, until he ſhall before the juſtices of peace, who are by this act impowered to diſcharge him, declare upon his or her corporal oath, (which oath the ſaid juſtices are hereby appointed to adminiſter) what effects are belonging to him or her, and what debt or debts are then owing to him or her, within any his Majeſty's dominions, or elſewhere, and by whom, and for what cauſe, and upon what ſecurity; of all which a ſchedule ſhall be made in the preſence of ſuch juſtices, and

ſubſcribed

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ſubſcribed by the priſoner, and ſhall be by ſuch juſtices returned to the next quarter-ſeſſions, there to be kept for the better information of the creditor of ſuch priſoner who, or ſuch of them as will joyn, may thereupon ſue for ſuch debts, or ſo much thereof as will reaſonably ſatisfie them, in the name of the priſoner; and after the ſame recovered and received to render the over-plus thereof (their own debts and charges firſt deducted) to the priſoner.

1 G. 2. 23. 23 G. 2. 27. 33 G. 2. 27. 1 G. 3. 26.

XIV. Provided always, and to deterr all perſons, who are by the charitable intention of this act to be relieved, from abuſing the favour hereby to them intended: be it enacted, That if any perſon, who ſhall in purſuance of this act take his oath for any the purpoſes hereby appointed, ſhall forſwear, or perjure him or herſelf, then ſuch perſon, being lawfully convicted thereof, ſhall beyond and over and above the penalties, which may be by the law now in being inflicted, ſuffer imprisonment for the ſpace of ſeaven years without bail or mainprize.

CHAP. II.

An Act for reforming Abuſes in making of Butter Caſks, and preventing of falſe Packing of Butter.

13 and 14 2. 26. *Eng.* 4 *W.* and *M.* 7 *Eng.* 6 *Anne* 12. 2 *G.* 1. 16. 4 *G.* 1. 12. 8 *G.* 1. 7. 10 *G.* 1. 9. 12 *G* 1. 5. 13 *G.* 2. 12. 21 *G.* 2. 7.

FORASMUCH as butter is one of the principal commodities of the product of this kingdom, and is not only of an univerſal uſe and expence at home, but very great quantities thereof are tranſported beyond the ſeas: and whereas by cuſtom, every barrel of butter ought to weigh two hundred ſixty four pounds groſs at the leaſt, that is to ſay, two hundred twenty four pounds of neat butter, and the caſk not to exceed in weight forty pounds; every three quarter barrel ought to weigh one hundred ninety eight pounds groſs, *(viz.)* one hundred ſixty eight pounds of good and merchantabe butter neat, and the caſk not to exceed in weight thirty pounds; every half barrel of butter ought to weigh one hundred thirty two pounds *(viz.)* one hundred and twelve pounds of good and merchantable butter neat, and the caſk not to exceed in weight twenty pounds; and every firkin of butter ought to weigh ſixty ſix pounds, *(viz.)* fifty ſix pounds of good and merchantable butter neat, and the caſk not to exceed ten pounds: and whereas great complaint hath been made by the merchants and traders in butter, that by the fraudulent dealing and practices of coopers in making the caſk for package of butter of unſeaſoned timber, and of ſeveral farmers, owners, and packers of butter, who by their irregular manner of weighing with ſtones, and other unwarrantable weights, and packing their butter in caſks weighing more than they ought to do, not only being a great diſhonour to this nation in the parts beyond the ſeas, but alſo the ſaid commodity is brought in great diſrepute abroad, whereby it yields not that price, nor is vended there in ſuch

Butter a principal commodity of the kingdom, and great quantities exported.

Weight thereof by cuſtom.

Complaint of fraudulent practices by coopers, packers, &c.

A. D. 1698. Chap. 2.

quantities as otherwiſe it would: for prevention whereof may it pleaſe your Majeſty that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the twenty fifth day of March, which will be in the year of our Lord God one thouſand ſix hundred ninety eight, no cooper, nor other perſon whatſoever, in this kingdom of Ireland ſhall hereafter at any time preſume to make, or cauſe to be made, any butter caſk whatſoever for ſale, but ſuch only as ſhall be made of ſound, dry, and well ſeaſoned timber, according to the ſeveral gages and weights herein after mentioned, and known by the ſeveral names following: (that is to ſay) the firkin, half barrel, three quarter barrel, and barrel; and that every firkin do and ſhall contain two quarters of an hundred, at five ſcore and twelve pounds to the hundred neat, beſides the tare of the caſk, and not leſs, of good and merchantable butter, and that caſk not to weigh above ten pounds, and to contain and hold ſeven gallons; and every half barrel do and ſhall contain one hundred weight neat, at five ſcore and twelve pounds to the hundred, and not leſs, of good and merchantable butter, beſides the weight of the caſk, and the caſk not to weigh above twenty pounds, and to meaſure fourteen gallons; every three quarter barrel do and ſhall contain one hundred and two quarters neat, at five ſcore and twelve pounds to the hundred, beſides the weight of the caſk, and not leſs, of good and merchantable butter, and the caſk not to weigh above thirty pounds, and to meaſure twenty one gallons; and every barrel do and ſhall contain two hundred weight neat, at five ſcore and twelve pounds to the hundred, beſides the weight of the caſk, and not leſs, of good and merchantable butter, and the caſk not to weigh above forty pounds, and to meaſure twenty eight gallons; and that every ſuch caſk, hereafter to be made, ſhall be made with three hoops on each quarter, to be ſet on with twigs, or ſufficiently notched, and have two heads to be put into riggles and made tight, ſo as to hold pickle, and that no cap-heads be hereafter made for any ſuch caſk to be expoſed to ſale as aforeſaid.

No cooper to make butter caſks for ſale but of ſound well ſeaſoned timber, according to the gages and weights herein.

Contents of the firkin,

half barrel,

three quarter barrel.

barrel.

Three hoops on each quarter.

ſet on with twigs, &c. made tight, and no cap-heads.

II. And for the better diſcovery of all frauds or abuſes which ſhall be committed againſt this act, be it further enacted by the authority aforeſaid, That every cooper or other perſon making caſk for putting butter in as aforeſaid, ſhall ſet upon ever firkin, half barrel, three quarter barrel, and barrel ſo made of ſeaſoned timber as aforeſaid, a mark with the firſt letter of his

Coopers, &c. ſhallmark caſks with ſirname and firſt letter of chriſtain name, and abode;

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and their chriſtian name, and his and their ſir-name at length, with an iron brand, with a mark for the city, town, village or pariſh wherein he lives; and that every farmer and other perſon or perſons hereafter at any time packing up butter, or expoſing the ſame to ſale, ſhall from and after the ſaid twenty fifth day of March one thouſand ſix hundred ninety eight, pack up his butter in ſuch ſufficient caſk made of ſound, dry, and well ſeaſoned timber, and marked as aforeſaid, and in none other, and ſhall ſet upon every ſuch firkin and caſk, when the ſame is fully and thoroughly ſeaſoned by filling ſuch caſk with water, and not to be put ſtanding in water, and when the ſame is filled with butter, the firſt letter of his and their chriſtian name, and his and their ſir-name at length with an iron brand; and if the ſaid cooper, or farmer, or other perſon or perſons whatſoever, making caſk or packing up butter, or expoſing the ſame to ſale as aforeſaid, ſhall at any time from and after the ſaid twenty fifth day of March one thouſand ſix hundred ninety eight offend, by omitting to do what he or they are required by this act to do and perform, he or they ſo offending, and being convicted upon oath of the ſaid offence before one or more of his Majeſty's juſtices of the peace, or chief magiſtrate of any corporation, by one or more witneſs or witneſſes, (which oath the ſaid juſtice or juſtices, or chief magiſtrate are hereby impowered and are required to adminiſter) or upon confeſſion of the offender or offenders before ſuch juſtice or juſtices, or chief magiſtrate, the ſaid party or parties ſo offending ſhall forfeit for every ſuch offence, to the uſe of the poor of the pariſh, where ſuch offence ſhall be committed, the ſum of ten ſhillings for every hundred weight of butter, and ſo proportionably for every greater or leſſer quantity, that ſhall be in every ſuch caſk, to be levied by diſtreſs and ſale of the offenders goods and chattles, the overplus to be reſtored, after all charges of the ſaid diſtreſs defrayed; and every conſtable of the pariſh, or chief conſtable of the barony, where ſuch offence ſhall be committed, are hereby authorized and required to levy the ſame accordingly, by warrant under the hand and ſeal of ſuch juſtice or juſtices, or chief magiſtrate, ſo to do; and in caſe ſuch offender or offenders ſhall not have goods and chattles ſufficient for the levying the ſaid penalty, that then it ſhall and may be lawful for the juſtice or juſtices or chief magiſtrate, before whom ſuch conviction ſhall be made, by warrant under their hand and ſeal to appoint ſuch offender or offenders to be publickly ſet in the ſtocks for the ſpace of two hours.

Farmers and packers to pack in dry ſeaſoned caſks ſo marked,

and branded as aforeſaid,

Penalty 10s. per hundred, to poor of the pariſh by diſtreſs and ſale,

by conſtable on warrant of a juſtice.

For want of ſufficient diſtreſs, to be ſet in ſtocks.

A. D. 1698. Chap. 2.

III. And be it further enacted by the authority aforeſaid, That all goods and merchandizes of the growth and manufacture of this kingdom, uſually ſold by the hundred weight, ſhall from and after the ſaid twenty fifth day of March one thouſand ſix hundred ninety eight, be bought and ſold at five ſcore and twelve pounds to the hundred weight, and no more, upon pain of forfeiture of the ſum of ten ſhillings for buying and ſelling any goods and merchandizes contrary to the true intent and meaning of this act.

All goods of this kingdom ſold by the hundred, ſhall be bought and ſold at 112lb. to the hundred weight, and no more, on pain of 10s.

IV. And be it further enacted by the authority aforeſaid, That if any action or ſuite ſhall be commenced or brought againſt any juſtice or juſtices of the peace, or chief magiſtrate, conſtable or other perſon whatſoever, for doing or cauſing to be done, any thing in purſuance of this act concerning the ſaid offences, the defendant or defendants in ſuch action ſhall and may plead the general iſſue, and give the ſpecial matter in evidence; and if upon ſuch action verdict be given for the defendant or defendants, or if the plaintiff become non ſute, or diſcontinue his action, then the defendant or defendants ſhall have treble coſts.

Defendants in ſuits for acting under this ſtatute may plead general iſſue, &c.

treble coſts on non-ſuit, &c.

V. Provided always, and it is hereby enacted by the authority aforeſaid, That no perſon ſhall be proſecuted or troubled for any offence done againſt this ſtatute, unleſs the ſame be proved or proſecuted within the ſpace of three months next after the offence committed.

Offenders to be proſecuted in three months.

Recital of 9 W. 3. 4.

VI. And whereas in an act paſſed this preſent ſeſſion of Parliament, intituled, *An act for granting an additional duty on tobacco, and for continuing unto his Majeſty an aid or additional cuſtom on ſeveral goods and merchandizes; and alſo for continuing the additional duty on beer and ale, and other liquors, till the twenty fifth of December one thouſand ſeven hundred and two*, it is amongſt other things enacted as follows: that is to ſay, "be it further enacted by the authority "aforeſaid, That all tobacco, muſlin, callicoes, and all ſorts of linen, Scotch "cloth, and wines, except wines of the growth of Spain, and of the demi- "nions thereunto belonging, that ſhall be imported into this kingdom at any "time, from and after the four and twentieth day of December one thouſand "ſix hundred ninety nine, unto the five and twentieth of December, which "ſhall be in the year one ſeven hundred and two, and no longer, "ſhall anſwer and pay unto his Majeſty, his heirs and ſucceſſors, over and "above all rates and duties due or payable for or out of the ſame, by vertue "of any former or other law in this kingdom, &c." In which clauſe the word thouſand is omitted after the word one, and before the word ſeven hundred and two, whereby ſome doubt may hereafter ariſe, whether the ſaid duties on tobacco, muſlin callicoes, linnen, Scotch cloth, and wines imported after the twenty fourth of December one thouſand ſix hundred ninety nine, unto the twenty fifth of December one thouſand ſeven hundred and two, may be demanded or ought to be received: for the removing therefore of the ſaid doubt, and explaining the ſaid act in that particular, be it declared and enacted by the

and of a miſtake therein by omitting the word thouſand.

Said act conſtrued, and additional duties.

authority

authority aforeſaid, That the ſaid act ſhall at all times hereafter be conſtrued and taken in the ſame and no other ſenſe or meaning, than as if the word thouſand had not been omitted between the words before mentioned; and that the duties and additional duties by the ſaid before recited act intended to be granted for and out of tobacco, muſlin, callicoes, linnen, Scotch cloth, and wines aforeſaid, imported into this kingdom from the twenty fourth of December one thouſand ſix hundred ninety nine, ſhall be demandable by and payable to his Majeſty out of all ſuch goods and commodities, to be imported into this kingdom from the ſaid twenty fourth of December one thouſand ſix hundred ninety nine to the twenty fifth of December one thouſand ſeven hundred and two, and no longer, in the ſame manner as if the word thouſand had not been omitted in the ſaid former act, but the ſame had been in the following words, one thouſand ſeven hundred and two.

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thereby granted payable as if not omitted.

CHAP. III.

An Act for raiſing One Hundred and Twenty Thouſand Pounds on all Lands, Tenements, and Hereditaments in this kingdom.

WE your Majeſty's moſt dutiful and loyal ſubjects the commons in Parliament aſſembled, having deep ſenſe of your Majeſty's great care of our welfare and preſervation, and being deſirous to expreſs the ſame by ſupplying your Majeſty's occaſions for defence of this your kingdom in the moſt chearful manner, have unanimouſly reſolved to give and grant unto your Majeſty the rates, taxes, and aſſeſſments following, to be raiſed and levied at the times and in manner following; and we pray that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That his Majeſty ſhall have and receive the rates and aſſeſſments herein-after mentioned of and from all lands tenements, and hereditaments, and tiths, and impropriations whatſoever in this kingdom, according to the rates and proportions and at the times, and in the manner following: (that is to ſay) that his Majeſty ſhall and may have and receive out of the ſame the ſum of one hundred and twenty thouſand pounds *ſterl.* in and by four equal payments of thirty thouſand pounds *ſterl.* each payment; the firſt of the ſaid payments to become due on the twenty fourth day of June which ſhall be in the year of our Lord one thouſand ſix hundred ninety and nine; the ſecond of the ſaid payments to become due on the twenty fifth day of December which ſhall be in the ſaid year of our Lord one thouſand ſix hundred ninety and nine; the third of the ſaid payments to become due on the twenty fourth day of June which ſhall be in the year of our Lord one thouſand ſeven hundred; and the fourth and laſt of the ſaid payments to become due on the twenty fifth day of December, which ſhall be in the ſaid year of our Lord one thouſand ſeven hundred.

II. And be it further enacted by the authority aforeſaid, That the ſaid four equal payments or ſums of thirty thouſand pounds *ſterling* each, and each of them, ſhall and may be charged on all provinces, counties, and cities of and in this kingdom, in ſuch manner and proportions as the deficiency of the years value was laid on the ſeveral provinces, counties, and cities of this kingdom: (that is to ſay)

That the province of Leinſter ſhall pay towards each of the ſaid payments of thirty thouſand pounds the ſum of ten thouſand and fifty pounds *ſterling*:

That the province of Munſter ſhall pay towards each of the ſaid payments of thirty thouſand pounds the ſum of eight thouſand nine hundred and forty pounds *ſterling*:

That the province of Ulſter ſhall pay towards each of the ſaid payments of thirty thouſand pounds the ſum of ſeven thouſand pounds *ſterling*.

And, That the province of Connaught ſhall pay towards each of the ſaid payments of thirty thouſand pounds, the ſum of four thouſand and ten pounds *ſterling*.

III. And be it further enacted by the authority aforeſaid, That the ſeveral counties and cities of the ſaid province of Leinſter, ſhall pay of the ſaid ſum of ten thouſand and fifty pounds, being the proportion which the ſaid province is charged with of each of the ſaid four payments of thirty thouſand pounds each, the reſpective ſums following:

That the county of Dublin ſhall pay twelve hundred and fifty pounds *ſterling*.
The city of Dublin, twelve hundred and fifty pounds *ſterling*.
The county of Kildare, eight hundred and ſixty pounds *ſterling*.
The county of Catherlagh, three hundred and eighty pounds *ſterling*.
The King's-county, four hundred and fifty pounds *ſterling*.
The Queen's county, five hundred pounds *ſterling*.
The county of Longford, three hundred pounds *ſterling*.
The county of Meath, one thouſand four hundred and ſixty pounds *ſterling*.
The county of Weſt-meath, ſeven hundred and fifty pounds *ſterling*.
The city and county of the city of Kilkenny, one hundred pounds *ſterling*.
The county of Kilkenny, one thouſand and ten pounds *ſterling*.
The county of Wexford, ſeven hundred and fifty pounds *ſterling*.
The county of Wicklow, three hundred and ſixty pounds *ſterling*.
The county of Louth, five hundred and twenty pounds *ſterling*. And
The county of the town of Drogheda, one hundred and ten pounds *ſterling*.

IV. And be it likewiſe enacted, That the ſeveral counties and cities of the ſaid province of Munſter ſhall pay of the ſaid ſum of eight thouſand nine hundred and forty pounds, being the proportion which the ſaid province is charged with of each of the ſaid four payments of thirty thouſand pounds each, the reſpective ſums following: (that is to ſay)

That the county of Limerick ſhall pay one thouſand and ten pounds *ſterling*.
The city of Limerick, two hundred pounds *ſterling*.
The county of Cork, with the city and county of the city of Cork, three thouſand one hundred and eighty pounds *ſterling*.
The county of Waterford, ſix hundred and ſixty pounds *ſterling*.
The city of Waterford, two hundred pounds *ſterling*.
The county of Clare, nine hundred and forty pounds *ſterling*.
The county of Kerry, five hundred and fifty pounds *ſterling*. And
The county of Tipperary, (including Holy-Croſs) two thouſand and two hundred pounds *ſterling*.

V. And be it likewiſe enacted, That the ſeveral counties and cities of the ſaid province of Ulſter ſhall pay of the ſaid ſum of ſeaven thouſand pounds, being the proportion which the ſaid province is charged with of each of the ſaid four payments of thirty thouſand pounds *ſterling* each, the reſpective ſums following: (that is to ſay)

That the county of Donegall, ſhall pay one thouſand and twenty pounds *ſterl.*
The county of Tyrone, ſeaven hundred and eighty pounds *ſterl.*
The county of Fermanagh, five hundred and thirty pounds *ſterl.*
The county of Cavan, five hundred and ſeventy pounds *ſterl.*
The county of Monaghan, five hundred and fifty pounds *ſterl.*
The county of Antrim, (including Carrickfergus, and the county of the town of Carrickfergus) one thouſand one hundred and eighty pounds *ſterl.*
The county of Downe, one thouſand and fifty pounds *ſterl.*
The county of Ardmagh, five hundred and fifty pounds *ſterl.* And
The county of Londonderry, (including the city and county of Londonderry, and the town and barony of Coleraine) ſeaven hundred and ſeaventy pounds *ſterl.*

VI. And be it likewiſe enacted, That the ſeveral counties of the ſaid province of Conaught ſhall pay of the ſaid ſum of four thouſand and ten pounds, being the proportion which the ſaid province is charged with of each of the ſaid four payments of thirty thouſand pounds each, the reſpective ſums following: (that is to ſay)

That the town and county of the town of Gallway, ſhall pay one hundred and ſeaventy pounds *ſterl.*
The county of Gallway, one thouſand two hundred and ſixty pounds *ſterl.*
The county of Roſcommon, ſeaven hundred eighty five pounds *ſterl.*
The county of Sligoe, ſix hundred and twenty pounds *ſterl.*
The county of Mayo, eight hundred and fifteen pounds *ſterl.*
The county of Leytrim, three hundred and ſixty pounds *ſterl.*

VII. And for the more eaſy applotting and aſcertaining how the proportions of the ſaid ſeveral charges and payments of the ſaid reſpective counties and cities ſhall be paid, and how much thereof ſhall be laid on the ſeveral lands, tenements, hereditaments, tyths, and impropriations in ſuch counties or cities; be it further enacted by the authority aforeſaid, that every barony, diviſion and territory in each county, and each ward or pariſh in each city in this kingdom, ſhall bear ſuch proportion of the ſaid charge or tax laid on the ſaid county or city, as ſuch barony, diviſion, territory, ward, or pariſh is uſually aſſeſſed at towards the publick charges laid on ſuch county or city by preſentment of the grand-juries, at the aſſizes or quarter-ſeſſions held reſpectively in and for the ſaid counties or cities, and that what ſuch proportion is ſhall be aſcertained by the major part of the commiſſioners appointed by this act, which ſhall be preſent at their firſt meeting purſuant to the directions aforeſaid: and that the ſaid firſt meeting of the ſaid commiſſioners reſpectively in the ſeveral counties and cities of this kingdom ſhall be on the firſt day of March one thouſand ſix hundred ninety eight.

VIII. And for the more regular aſcertaining the ſaid proportions according to the rule before-mentioned; be it likewiſe enacted by the authority aforeſaid, That the perſons hereafter named ſhall and may be commiſſioners for aſcertaining the ſaid ſeveral proportions payable by and out of the reſpective lands, tenements, hereditaments, and tyths and impropriations in the ſeveral baronies, territories, diviſions, wards, and pariſhes in the reſpective counties and cities in this kingdom: (that is to ſay)

For the county of Ardmagh.

The High-ſheriff for the time being, Sir Nicholas Atcheſon, baronet; Sir Henry Tichburn, baronet; Arthur Brownlow, Marmaduke Coghill, Samuel Doppin, Stephen Ludlow, Edward Reyly, William Richardſon, Hamlet Obbin, Downham Cope, Edward Harriſon, John Hamilton, Richard Chappell, William Blacker, Henry Richardſon, Walter Dawſon, Roger Hall, Henry Hunter, Hans Hamilton, James Maxwell, and Richard Whaley, eſquires: the Sovereign of Ardmagh for the time being, the Portreeve of Charlemont for the time being, the Dean of Ardmagh, arch-deacon Charleton, arch-deacon Jenney, William Delgardno, clerk; Rath Jones, James Manſon, and Thomas Clarke of Ardreſs, gentlemen; Thomas Clarke of Portadown, and John Haltridge, eſquires; John Ball, Abraham Ball, Daniel Madden, Robert Lowry, John Hamilton, James Gillaſpy, Thomas Bond, and James Mc Keane, gentlemen.

For the county of Antrim.

Arthur Upton, Popham Conway, Hugh Colvill, eſquires; Sir Arthur Langford, baronet; John Chicheſter, Charles Chicheſter, Clotworthy Skevington, eſquires; Sir Robert Adaire, Clotworthy Upton, James Mc Cartney, Edward Harriſon, Hercules Davis, Henry Davis, Charles O Neil, Edmond Stafford, Thomas Dawſon, Robert Dalway, John Houſton, Hans Hamilton, Francis Stafford, Godfrey Walker, Richard Dobb, junior; Edmond Ellis, William Shaw of Gonoway, John O Neale, Henry Mc Cullagh, William Leſlie, George Mc Cartney, Benjamin Gallan, Robert Donnel, William Shaw of Buſh, John Donaldſon, ſenior; John Donaldſon, junior; Robert Leyes, Edmond Reynolds, George Buttle, eſquires; Mayor and Sheriffs of Carrickfergus for the time being, Soveraign of Belfaſt for the time being, captain Edward Brice, George Mc Cartney of Belfaſt, merchant; Arthur Mc Cartney of Belfaſt, merchant; William Crawford of Belfaſt, merchant; Henry Chade of Belfaſt, merchant; Patrick Hamilton of Belfaſt, Andrew Clements and Samuel Davys, gentlemen; Charles Stewart of Ballintog, eſquire; Marmaduke Newton, gentleman; captain Arthur Davys, captain James Johnſton, James Stanneus, Alexander Dalaway, eſquires; Benjamin Adare, Roger Briſtow, Henry Shaw of Ballygally, William Shaw of Balligally, Bryan Mc Manus, Richard Newtown, James Crawford, Robert Crawford, William Maxwell of Portglenon, Francis Shaw, John Pierce of Liſhorn, gentlemen; Edward Lindon, Thomas Cornwall, doctor John Peacock, William Walkington, Thomas Crawford, William Cloſe, Thomas Smith, Patrick Duffe, David Buttle, Edward Clemence, Brent Spencer, John Charleton, Warham Jemmet, John Lathum, gentlemen; dean Wilkins, Henry Leſlie, John Windar, Richard Dowdall, dean George Story, James Ecclin, clerk; dean Enock, reader; William Armor, Andrew Eaton, clerk; James Harſon, Samuel Shannon, William Steward, Peter Jackſon, Henry Andrew, Hugh Mc Collum, James Mc Collagh, Alexander Mc Caley, gentlemen; William Boyd, clerk; John Delap, Neale Buy Mc Neal, John Mitchell, gentlemen; Archibald Mac Neale, clerk; John Fullerton, gentleman; Michael Harriſon, eſquire; Richard Horſeman, Francis Courtney, gentlemen.

For the county of the town of Carrickfergus.

The Mayor and Sheriffs for the time being, maſter Henry Davis, maſter Edward Lyndon, and maſter Samuel Davys, captain Arthur Davys, captain John Davys, Andrew Clements, Marmaduke Newton, gentleman, and dean George Story.

For

For the county of Catherlagh.

Sir Thomas Butler, baronet, the High-ſheriff for the time being, Sir William Parſons, John Allen, Philip Savage, Mathew Ford, Wentworth Harman, Pierce Butler, William Ponſonby, John Tench, Benjamin Burton, Thomas Burdett, Edmond Jones, Robert Curtis, Richard Boyle, John Beauchamp, Walter Weldon, Urban Vigors, Richard Woleſley, Nicholas Keymes, junior; John Bernard, John Brown, Jeffry Paul, William Paul, eſquires; Thomas Bernard, Thomas Bunbury, gentleman; Thomas Hardy, Chriſtian Borr, Euſebius Beaſly, eſquires; Benjamin Neale, James Cox, Thomas Fox, and Robert Harris, clerks; the honourable Robert Rochfort, eſq; Edward Worth, Robert Stopford, James Stopford, Soveraign of Catherlagh for the time being.

For the county of Cavan.

The honourable Thomas Coote, eſquire; the honourable Oliver Lambert, eſq; Sir Francis Hamilton, baronet; colonel Francis White, colonel Francis Butler, Sir John Maſon, knight; John Warburton, Thomas Aſh, Robert Saunders, Samuel Townly, Hans Hamilton, Walter Pollard, Robert Clements, John Coyne, Henry Palmer, ſenior; Charles Hampſon, Arnold Coſby, Daniel French, Thomas Townley, Alexander Saunderſon, Joſeph Pratt, Robert Caſey, Edward Davenport, Dillon Pollard, Thomas Smith, Edward Coſby, eſquires; Arthur Cullom, Broghill Newburgh, Robert Craige, Henry Palmer, James Somervill, Thomas Fleming, John Kempſon, Thomas Cole, William Blaſhford, Robert Burroſe, Henry Gwyllyns, Fauſtin Cuppage, gentlemen; Enock Rider dean of Kilmore, Mathew Handcock, arch-deacon of the ſame; Robert Maxwell, William Handford, Anthony Iveſon, clerks; Samuel Willſon, John Price, George Ruſſell, John Robinſon, John Jones, William Laughton, Thomas Humes, Lawrence Crow, and Patrick Everey, gentlemen.

For the county of Clare.

Sir Henry Ingoldſby, Sir Donogh O Brien, baronets; Francis Burton, Francis Gore, eſquires; Neptune Blood, dean of Kilfenoragh; James Hamilton, the honourable John O Brian, Samuel Burton, Henry Lee, Thomas Hickman, Edmond Perry, Symon Pordon, David Bindon, Henry Bridgman, George Stamers, Auguſtine Fitz-Gerald Henry Hickman, William Smith, James Mac Donnel, Nicholas Weſtby, Thomas Stanton, eſquires; John Hawkins, Patrick Fitz-Simons; clerks; Richard Hedges, eſquire; William Brigdall, William Smith, Henry Lee, John Cuſack, John Road, Arthur Ward, Henry Hickman, gentleman; Peregrin Blood, Thomas Blood, gentlemen; and Thomas Hawkins, gentleman.

For the city and county of the city of Corke.

Colonel Toby Purcell, Allan Broderick, his Majeſties ſolicitor-general; alderman Robert Rogers, Dr. Walter Neale, Edward Synge, clerk; the Mayor and Sheriffs for the time being, Thomas Piggott, eſq; alderman John Newenham, Mathew French eſquires; alderman William Ballard, alderman Soare, alderman Crofts, alderman French, alderman Crone, alderman Charttes, Simon Dring, John Spread, merchant; captain William Dunſcomb, Warham St. Leger, eſquire; captain Epenetus Croſs, John Wallis, eſquire; captain John Traverſe, John Raines, eſquire; Edward Richardſon, eſquire; John Wallis, eſquire; Abraham Morrice, Robert Blenerhaſſet, eſquire, and Herbert Love, gentleman.

For the county of Corke.

The honourable Henry Boyle, Charles Boyle, and Richard Boyle, Sir St. John Broderick, knight; the honourable Thomas Broderick, eſquire; the honourable Allan Broderick, eſquire; Robert Fitz-Gerald, eſquire; Edward Southwell, eſquire; James Walter, eſquire; Edward Riggs, eſquire; Francis Bernard, eſquire; William Jephſon, eſquire; Laurence Clayton, eſquire; Barry Denny, eſquire; Francis Brewſter, eſquire; John Ormſby, eſquire; James Barry, eſquire; Robert Foulke, eſquire; Charles Oliver, eſquire; William Broderick eſquire; Percy Freake, eſquire; Edward Richardſon, eſquire; Brian Townſend, eſquire; Thomas Beecher, eſquire; Samuel Maurice, eſquire; Robert Pooly, eſquire; Sir John Mead, Francis Hodder, eſquire; the honourable Sir Richard Pyne, Sir Richard Cox, William Carr, eſquire; John Bailey, eſquire; Thomas Crooke, eſquire; Edward Worth, eſquire; Richard Travers, eſquire; Richard Hutchins, eſquire; Daniel Beamiſh, gentleman; John Lee, eſquire; the mayor of Youghall for the time being, captain Thomas Dicks, John Davis, eſquire; the ſoveraign of Kinſale for the time being, the ſoveraign of Middleton for the time being, the ſoveraign of Charlevill for the time being, Sir Mathew Dean, Digby Foulke, eſquire; John Cooke, alderman of Youghal, Richard Yeats, Edward Nicholas, Jaſper Lucas, Robert Ball and Richard Giles, aldermen of Youghal; Henry Luther, eſquire; William Ballard, alderman of Cork; Nicholas Brumby, eſquire; Richard Wakeham, eſquire; William Wakeham, eſquire; Samuel Maynard, eſquire; William Supple, eſquire; Peter Bettſworth, William Smyth, gentlemen; Thomas Piggott, eſquire; John Traverſe, eſquire; John Bowles, eſquire; Michael Gould, gentleman; John Brailsford, gentleman; Arthur St. Leger, eſquire; James Graham, gentleman; Thomas Crooker alderman of Youghal, Stephen Moore, eſquire; colonel William Taylor; Richard Giſt, gentleman; Emanuel Moore, eſquire; Henry Tonſon, gentleman; Henry Beecher, gentleman; Anthony Butler, gentleman; Henry Sandford, eſquire; Bartholomew Purden, eſquire; captain Thomas Purdon, Joſeph Stepney, eſquire; Michael Parker, eſquire; colonel Theobald Purcel, Arthur Hyde, eſquire; captain Joſeph Elwell, Jonas Stowell, ſenior, Jonas Stowell, junior, eſquires; Robert Gookin, eſquire; Arthur Keefe, gentleman; John Mountiford, gentleman; Thomas Chidey, gentleman; captain William Stowel, captain Edward Stowel, Arthur Pomeroy, dean of Cork; Rowland Davis, dean of Roſs; William Jephſon, dean of Liſmore; maſter John Rugg, clerk; maſter James Spencer, maſter John Bulkley, Edward Sayers, clerk; Mathew French, eſquire; Robert Condon, eſquire; Thomas Hyde, eſquire; Edward Dodſworth, eſquire; Henry Rice, eſquire; Apollos Morriſe gentleman; Barrachias Wallis, William Gard, ſenior, Walter Grocer, Thomas Wallis, eſquire; Charles Newman, George Chinery, James Manſer, eſquire; John Silver, eſquire; Richard Bettſworth, eſquire; William Thornhill, eſquire; George Rogers, eſquire; Francis Smith ſenior, eſquire; Francis Smith, junior, eſquire; John Watkins, Henry Boreman, Hawes Croſſe, eſquires; Nicholas Licett, eſquire; the Soveraign of Caſtlemarter for the time being, Aguſtin Goggin, eſquire; Mathew Jacob, eſquire; John Gilman, Rich. Roſſin, clerk; John Morryſon, Arthur Bernard, eſquire; John Parkinſon, clerk; Edward Houſe, Dillon Newman, eſquire; George Oburne, gentleman; John Williams gentleman; Robert Atkins, gentleman; Robert Conſtantine, gentleman; doctor Francis Quaile, David Elliott, clerk; Henry Harriſon, clerk; John Maſcall, clerk; Francis Foulks, eſquire; John Raines, eſquire; Peter Huſt, clerk; John Tombs, clerk; Edward Browne, gentleman; Thomas Sweet, gentleman; Richard Price, gentleman; William Kemys, gentleman; Michael Buſted, gentleman; Edward Kenny, gentleman; Provoſt of Bandon for the time being, John Bourne, eſquire; Richard Goodman, clerk; John Hungerford, clerk; Robert Echlin, eſquire; Randal Roberts, gentleman; Thomas Lane, gentleman; Caleb Coakley, gentleman; John Parſons, gentleman; Nicholas Purdon,

gentleman; Michael Beecher, gentleman; John Chinery, gentleman, William Serjeant, gentleman; —— Daunt, gentleman.

For the city of Dublin.

The honourable Robert Rochfort, his Majeſty's attorney-general, and ſpeaker of the houſe of commons; the Lord Mayor, Recorder, Aldermen, and ſheriffs for the time being; the honourable Phillip Savage, eſquire, chancellor of the Exchequer; Allan Brodrick, eſquire, his Majeſty's Sollicitor-general; Stephen Ludlow, eſquire; colonel John Allen, George Warburton, eſquire; Richard Foſter, eſquire; John Warburton, eſquire; Anderſon Saunders, eſquire; Sir Arthur Cole, baronet; colonel Stephen Stanley, Edward Reily, eſquire; William Fownes, eſquire; Sir Richard Levinge, Sir John Mead, knight; Marmaduke Coghill, eſquire; Robert Molſworth, eſquire; Henry Monke, eſquire; Robert Curtis, eſquire; James Tiſdall, eſquire; Charles Delane, eſquire; James Corey, Thomas Pooley, eſquire; Edward Richardſon, eſquire; colonel John Lovett, Chriſtopher Uſher, eſquire; John Uſher, eſquire; Sir Nicholas Atchiſon, knight; Chriſtopher Borr, Charles Baldwin, eſquire; Thomas Tillſon, John Smith, eſquires; Abel Ram, eſquire; Robert Echlin, eſquire; Fauſtin Cupparidge, gentleman; Thomas Twigg, gentleman; Sir Francis Blundell, Sir Henry Ingoldſby, Sir John Coghill, Sir Patrick Dunn, William Connelly, eſquire; John Weaver, ſenior, eſquire; Edward Wingfield, eſquire; Charles Meredith, eſquire; James Hamilton of Tullymore, colonel Henry Coningham, colonel Robert Echlin, Standiſh Hartſtounge, eſquire; William Robinſon, eſquire; doctor Thomas Mollyneux, Samuel Dopping, eſquire; Hercules Davys, eſquire; Charles Deering, eſquire; Wentworth Harman, eſquire; Arthur Meredith, eſquire; Elnathan Lumm, eſquire; Edward Reynells, eſquire; ſerjeant William Neave, eſquire; Thomas Aſh, eſquire; Thomas Carter, eſquire; John Weaver, junior, eſquire; John Redding, eſquire; Gideon Delawne, eſquire; James Mc Cartney, eſquire; Robert Saunders, eſquire; Charles Wallis, eſquire; Roger Moore, eſquire; Robert Ormſby, eſquire; John Ormſby, eſquire; Richard Thompſon, eſquire; Joſhua Dawſon, eſquire; Daniel Wybrants, eſquire; Joſeph Budden, eſquire; Robert King, Andrew Young, eſquires; maſter Edward Delawne, maſter Richard Fleming, maſter Ralph Gore, maſter John Rotton, maſter William Keating, maſter Richard Cooke, James Waller, eſquire; all ſuch members of the houſe of commons, as have eſtates in, or are reſident in the city of Dublin.

For the county of Dublin.

The honourable Robert Rochford, eſq; ſpeaker of the houſe of commons; Sir Richard Bulckely, Sir Thomas Domvile, Sir Arthur Cole, baronets; Sir Walter Plunket, Sir William Domvile, Sir John Coghil, knights; Robert Moleſworth, Edward Deane, Henry Mountgomery, Richard Foſter, John Allen, Joſeph Dean, ſenior, Daniel Reading, ſenior, William Neave, John Reading, Henry Fernely, John Stepney, Joſeph Deane, junior; Iſaac Dobſon, Joſeph Stepney, Robert Echlin, Bernard Brown, Thomas Stepney, Dixy Coddington, Hugh Rowley, Aghmundition Veſy, Charles Wallis, John Linegar, Joſeph Budden, Thomas Carter, Henry Cooley, eſquires; Richard Bolton, Henry Scardevile, Stephen Dean, Thomas Rider, John Smith, Charles Baldwin and Chriſtopher Johnſon, gentlemen; Robert Curtis, Denny Muſchamp, Philip Savage, George Warburton, colonel Croſton, Henry Echlin, —— Jackſon, clerk; doctor Patrick Grattan, doctor Dive Downes, Thomas Keightly, John South, Chriſtopher Charlton, Richard Thompſon, John Lovett, Thomas Aſh, Edward Swan, and John Smith, eſquires; Chriſtian Bor, gentleman, Abel Ram and James Barry, eſquires; doctor Edward Smith, dean of St. Patricks; Marmaduke Coghil, Samuel Dopping, John Price, James Grace, Robert Stopford, eſquires; Robert Graydon and Alexander Burrowes, gentlemen.

For the county of Donnegall.

The High-ſheriff of the ſaid county for the time being; Sir William Gore, baronet; colonel Guſtavus Hamilton, colonel Henry Cuningham, Charles Hamilton, Andrew Knox, Kilnier Brafier, John Forward, John Hamilton, Hugh Hamil, Robert King, Francis Folliot, Abraham Creightown, David Creightowne, William Gore, William Connelly, Charles Melvin, Henry Langford, Humphry May, William Stewart, of Fort-ſtewart, William Wray, Henry Hart, George Vaghan, Patrick Hamilton, Edward Harriſon, Ralph Gore, William Sampſon, Henry Brookes, James Neſbit, William Stewart of Ballylane, Charles Leſlie, James Stewart, Thomas Knox, John Cowan, eſquires; John Trench dean of Raphoe, Andrew Hamilton, archdeacon of Raphoe, archdeacon Iſaac Colier, Edward Whitway, ——— Cooper, Robert Acheleck, clerks, captain William Cunningham, captain Francis Hamilton, captain William Hamilton, the Warden of Liſford for the time being; the Provoſt of Donegal, Killebegs, Ballyſhannon, and St. Johnſtown for the time being; Andrew Knox, William Cairey, Alexander Cuningham of Achen, William Knox, Robert Mortimer, James Vaughan, Michael Huetſon, Robert Spence, Thomas Atkinſon, Triſtram Swetenham, Charles Colhoone, William Walker, Alexander Neſbitt, John Evans, Robert Baird, Edward Cairy, John Henderſon, Thomas Knox, William Maxwel, Robert Delap, John Jennings, Andrew Neſbitt, junior, William Babington, John Neſbitt, Henry Mc Manus, Alexander Cuningham, gentlemen.

For the county of the town of Droghеda.

The mayor, recorder and ſheriffs for the time being; Charles lord Moore, Sir Henry Tichborne, baronet; Edward Singleton, Richard Jackſon, Thomas Percivall, William Elwood, Henry Nichols, Richard Pitts, John Graham, Joſeph Tomlinſon, William Newton, James Mead, Henry Ogle and George Hardman, aldermen; Caleb Gay, and John Leigh, eſquires.

For the county of Downe.

Nicholas Bagnoll, James Hamilton of Tullymore, Nicholas Price, Sir John Magill, Matthew Ford, ſenior, Clotworthy Upton, Mathew Ford, junior, Sir John Trever, James Sloan, John Hawkins, Henry Hunter, Evan Humphries, Edward Harriſon, Richard Johnſon, Francis Hall and Roger Hall, eſquires; the reverend John Mc Neale dean of Downe, John Gibbons, the reverend doctor Henry Leſlie, Vere Ward, the reverend Archibald Mc Neale, James Mc Cartney, William Shaw, of Ganway, Robert Echlin, the reverend Andrew Mathews, clerk; John Norice, Charles Campbel, Thomas Smith, Henry Maxwell, Samuel Warring, John Haltridge, Arthur Maxwell, Thomas Knox, the reverend James Clewlow, clerk, Alexander Stewart, the reverend Henry Jenney, and James Hamilton of Kirkdowth, clerks, Robert Hawkins, the reverend John Cuppaige clerk; the honourable Michael Hill, Popham Conway, Hugh Colvill, Francis Anneſley, James Hamilton of Bangor, Hans Hamilton, George Fitz-Gerald, Sir Francis Blundel, Frederick Potter, Patrick Savadge, James Montgomery, William Warring, John Ecklin, Gowen Hamilton, William Hamilton, James Baily and Hugh Montgomery, eſquires; George Roſs, Alexander Stewart, Patrick Hamilton, John Montgomery, Francis Allen, John Blackwood, Mathew Stothard, John Saunders, William Neven, Alexander Browne, George Roſſe of Cainy, James Smart the elder, James Smart the younger, Robert Kyle, Thomas Slade, Thomas Stanhopp, James Houſton, and Joſeph Mc Kitrick, gentlemen.

For the county of Fermanagh.

Sir William Gore, Sir Guſtavus Hume, and James Caldwell, Baronets; Sir Michael Cole, knight; James Corry, eſq; Chriſtopher Irwin, doctor of phiſick; Charles Balfour, Abram Creighton, Hugh Montgomery of Carow, William Archdale, Edward Davys, John Corry, Henry Tenniſon, Hugh Montgomery of Derrygonelly, Robert Saunders, William Balfour, William Wiſhart, James Creightowne, captain David Creightone, David Rynde, Jaſon Haſſard, Gilbert Eccles, Charles Wallis, and captain Francis Johnſton, eſquires; George Hume, clerk; captain John Erwin, doctor John Denis, James Aghenleck, gentlemen; the provoſt of Enniſkilling; captain Robert Clarke, William Smyth, clerk; lieutenant Lawrence Crawford, Dudly Teniſon and Thomas Leturnel, gentlemen; captain William Dobbin, cornet Lancelot Carlton, Walter Johnſton, gentlemen; lieutenant James Johnſton, major Arthur Noble, lieutenant Lancelot Erwin, and colonel Francis Butler.

For the county of Galway.

Sir George St. George, knight; John Eyre, eſquire; Sir ——— St. George, baronet; colonel Richard St George, Gilbert Ormſby, William Caulfield, Frederick Trench, Henry Peirce, John Ormſby, John Morgan, John Neyland, Richard Whaley, Robert Maſon, Thomas Croſdall, Samuel Eyre, John Lopdell, Edward Eyre, and Edward Ormſby of Shrewel, eſquires; the high ſheriff for the time being, Thomas Stanton, and Edward Crow, eſquires; Stephen Handcock, clerk; Robert Shaw, John Carter, Oliver Carter, John Taylor, Thomas Cunys, Edward Blackney, Jeremy Morgan, Jacob Spike, Edward Ormſby of Bellagar, Oliver Bingly, Thomas Crookſhank, William Gunter, Richard Warren, John Broughton junior; Edward Cornwell, John Kelly, Lodowick Pringle, Francis Muxley, Conn Mitchell, William Davis, Edward Wilſon, and Theophilus Warren, gentlemen; Charles Morgan, Walter Taylor, Thomas Smith, Robert Blakeney, George Warburton, John Seymour and James Budd, eſquires; Robert Echlin dean of Tuam; dean Peirce, doctor Charles Crow, provoſt of Tuam; and Edward Price, prebend of Tuam.

For the town of Galway.

Richard St. George, eſquire; Robert Ormſby, eſquire; Sir George St. George, baronet; Sir George St. George, knight; John Eyre, eſquire; James Hamilton, of Tullymore, Edward Eyre, eſquire; the Mayor of the ſaid town for the time being; John Ormſby, eſquire; John Gerry, eſquire; Thomas Revett, Thomas Simcocks, and Thomas Cartwright, aldermen; Robert Shaw, gentleman; Robert Widderington, gentleman; James Rivettvigre, merchant; Richard Browne, alderman; the ſheriffs for the time being, Marke Lynch, junior, merchant; Thomas Stanton, and John Stanton, eſquires.

For the county of Kerry.

The ſheriff for the time being; colonel Edward Denny, William Fitzmorris, Raymond Fitzmorris, eſquires; major Barry Denny, colonel John Blenerhaſſett, William Sandys, eſquire; colonel Samuel Morris, Edward Denny, junior, colonel Frederick Mullins, Rowland Bateman, Tobias Purcell, Andrew Young, Thomas Ponſonby, John Bateman, Samuel Raymond, John Blenerhaſſet of Killorglin, Whitehal Browne, James Fitzmorris, David Croſby, and Patrick Croſby,

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eſquires; John Sandys, and Richard Orpen, gentlemen; Charles Monk, eſquire; Samuel Fedwel, gentleman; Henry Petty and James Waller, eſquires; Joſeph Morris gentleman; Charles Wican and Edward Herbert, eſquires; William Croſby, gentleman; Euſebias Chute, eſquire; Henry Par and Thomas Sheircliffe, gentlemen; Henry Stoughton, Thomas Carter, and Francis Burton, eſquires; Pierce Power, gentleman;

For the county of Kilkenny.

Sir Chriſtopher Wandesford, baronet; Sir John Mead, Sir Henry Weymes, colonel William Ponſonby, Agmundiſham Cuffe, Ebenezer Warren, Arthur Buſh, Henry St. George, ſenior, Henry St. George, junior, Richard St. George, Blaney Sandford, Edward Worth, Chriſtopher Huetſon, Edward May, Samuel Booth, Robert Stopford, Balthazar Creamer, Arthur Webb, John Eaton, Joſeph Watſon, Amias Buſh, John Langridge, George Read, George Baker, William Ponſonby, Thomas Crawford, colonel Edward Dean, Joſeph Deane, Arthur St. George, Thomas Cuffe, Michael Head, Francis Flood, eſquires; Edward Briſco, John Head, Pierce Brian of Bawenmore, Paul Gore, John Warren, Richard Connel, John Jones, Nathaniel Boyſe, Darby Egan, Abel Butler, Charles Gore, James Gager, Jonathan Whitby, William Feyden, Patrick Welſh, Joſeph Wheeler, Thomas Marſhel, William Deyes, John Biſhop, John Wheeler, John Barnes, Daniel Marſer, William Hawkins, Joſeph Lodge, and Joſeph Robins, gentlemen.

For the city of Kilkenny.

The mayor and ſheriffs for the time being; Agmondiſham Cuffe, eſquire; Sir Chriſtopher Wandesford, baronet; Standiſh Hartſtounge, eſquire, recorder; Richard Connel, Joſhua Helſham, Ebenezer Warren, John Pape, and Iſaac Muckins, eſquires; Joſias Haydock, Patrick Connel, and Abraham Butler, aldermen; John Garnet, Thomas Crawford, eſquire; John Waring, alderman; Robert Stopford, eſquire; Thomas Cookſey, and George Burch, aldermen; John Hamilton, gentleman.

For the county of Kildare.

The honourable the Speaker of the houſe of commons, Sir Francis Blundel, Sir Kildare Burrows, Sir John Sandys, baronets; George Fitz-Gerald, Henry Cooley, James Barry, Richard Nevil, Thomas Medlicot, John Davis, William Connely, Maurice Keating, Richard Lock, Francis Weymes, Robert Garden, Paul Davis, Robert Dixon, John Allen, Robert Echlin, Wentworth Harman, Charles Ryves, Francis Anneſly, Maurice Anneſley, John Anneſley, Robert Anneſley, Edward Stratford, Agmundiſham Veſey, George Warburton, Garret Weaſley, Richard Meredith, Henry Warren, Charles Rickeſey, Henry Cunningham, Thomas Car, Raphael Hunt, Jeffery Paul, John Ailmer, James White, Charles Wallis, William Brereton, John Aylmer, junior, Richard Wibrow, Walter White, Francis Spring, Thomas Twigg, Theobald Bourke, eſquires; William Cheavenor, gentleman; Samuel Synge, dean of Kildare, Henry Price, doctor of divinity, Theophilus Harriſon, dean of Knockmacknoſs; James Moore, Thomas Hawley, Thomas Theaker, Nicholas Knight, Samuel Price, clerks; and ——— Meredith Clerk, curate of Naas; Oliver Moor, William Becket, eſquires; John Prat, George Cooley, Edward Bermingham, and Benjamin Fiſh, gentlemen; George Medlicot, William Harborne, and William Southerby, eſquires; colonel John Lovett, William Winnet, Thomas Fiſher, Thomas Salt, Alexander Graydon, Jonathan Naylor, William Wright, Bartholomew Rigg, Henry

Henry Doyle, Benjamin Bennet, Edward Ward, William Ward, James Mc Manus, Richard Aylmer, gentlemen; Richard Povey, Lewis Kramish, eſquires; Iſaac Ward, Richard Euſtace, James Young, Richard Foſter, eſquires; Thomas Foſter, Nicholas Davis, John Wolfe, gentlemen; the ſeveral Soveraigns for the time being of the ſeveral corporations of Naas, Kildare, Athy, and Harriſtown; Thomas Aſh, eſquire; Thomas Fiſher, and Jonathan Nayler, gentlemen; Thomas Handcaſtle, colonel Dean, ——— Burdett, clerk; Benjamin Burton, eſquire.

For the King's County.

Sir Francis Blundell, baronet; Sir William Parſons, baronet; Duke Gifford, John Lovett, Thomas Leſtrange, William Spragg, Thomas Moore, John Wakeley, John Moore, Jeffry Lyons, William Purefoy, Samuel Rolls, Elnatham Lum, John Weaver, ſenior, eſquires; John Weaver, junior; John Baldwin, ſenior; John Baldwin, junior, Hector Vaghan, Richard Warburton, ſenior, Richard Warburton, junior, Henry Weſtenra, Samuel Moſſe, James Sterling, John Seymer, Jonathan Darby, Thomas Tilſon, Samuel Low, Medhopp Lloyd, eſquires; Daniel Tomlinſon, William Nelſon, clerks; Peter Holmes, gentleman; George Lawder, clerk; Francis Lambert, George Pryzel, Phillip Wenman, James Purfoy, gentlemen; Francis Stoyte, eſquire, Robert Echlin, Alexander Stewart, Oliver Bingly, Thomas Carter, George Warburton, William Wetherell, eſquires; Edward Heaton, Francis Heaton, Philip Moore, William Vaughan, gentlemen; Edward Baggot, eſquire; Francis Clerke, gentleman; colonel Guſtavus Hamilton, captain Charles Stewart, maſter George Rightſon, Albert Niſbett, gentleman; Michael Cahell, clerk; George Homes, Archibald Lawder, Archibald Armſtrong, William Armſtrong, Charles Leſtrange, John Craddock, Nathaniel Taylor, Oliver Nelſon, gentlemen; the Burgomaſter of Philipſtowne for the time being, or his deputy; Richard Luther, Milo Baggott, John Mc Cullagh, John Ridgway, John Smith and Nathaniel Smith, gentlemen.

For the county of Leyrim.

Sir George St. George, Sir Francis Hamilton, Sir William Gore, Sir Robert Gore, baronets; John Renold, Theophilus Jones, Gilbert King, Morgan Cuningham, Robert Galbrath, Arthur Cooper, Francis Gore, Gilbert Gardiner, eſquires; William Gore, William Lowder, Thomas Croſton, John French, John Mahon, Edward Reynell, Ralph Gore, William Smith, William Parks, Edward Johnſon, William Parſons, John Peyton, William Ellis, John Croſton, gentlemen; Robert Whitlow, clerk; George Carew, gentleman; Luke Sterling, clerk; William Stack, gentleman; William Smith, clerk; Robert Craige, Simon Broadſtreet, gentlemen; John Druary, provoſt of Carrick for the time being; the Soveraign of Jameſtown for the time being.

For the county of Limerick.

Sir Edward Croſton, Sir Thomas Southwell, Sir Standiſh Hartſtounge, baronets; Sir William King, knight, George Evans the younger, Chicheſter Phillips Standiſh Harſtounge the younger, Chidley Coote, Standiſh Hartſtounge the elder, Charles Oliver, John Ormſby, Richard Ingoldſby, Lawrence Clayton, Killnor Brazior, Joſeph Stepney, William Trenchard, John Piggott, George Evans ſenior, Ralph Willſon, Benjamin Burton, John Odel, Michael Searle, Henry Widdenham, Richard Stephens, David Willſon, Robert Taylor, Thomas Mounſell, William Blackney, John Croker, Richard Waller, James Waller, Thomas Tillſon, Thomas Holmes, George King, John Parker, Henry Johnſon, Hugh Maſſey, Henry Aylmer, William Ryves, John Bury, William Langford, Sampſon Cox, Edward Blenerhaſſet, Edward Croker, Nicholas Weſtby, Joſeph Oſbourne, George Manſell,

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esquires; John Bayly, Thomas Fitz-Gerald, John Gabbott, George Rose, Owen Cuthbert, George Denny, James Web, Amos Godsell, Hugh Swayne, Alexander Elliott, Richard Pope, gentleman.

For the city of Limerick.

The Mayor and Sheriffs for the time being; Sir Joseph Williamson, knight; Sir William King, knight; Richard Ingoldsby, esquire; Robert Blenerhasset, esquire, recorder; dean Ezekiel Webb, Ralph Wilson, Edmond Perry, esquires; William Gribble, Robert Smith, George Roch, John Craven, John Ford, Edward Weight, John Young, Richard Pope, Joseph Cripps, and Robert Twiggs, gentlemen.

For the county of Longford.

Sir Robert Newcomen, baronet; Sir John Edgworth, Sir Walter Plunkett, knights; Ambrose Anger, Wentworth Harman, esquires; John Kerr dean of Ardagh, Charles Fox, Anthony Shepard, Thomas Aghmuty, captain Charles Newcomen, Francis Edgworth, John Percivall, John Aghmooty, Theophilus Jones, Samuel Forth, Freak Sandys, Mathew Wilder, Robert Edgworth, Arthur Aghmooty, William Hyde, William Neave, Francis Wilson, Gilbert Gardiner, John Kennedy, Richard Gardiner, Thomas Handcock, Walter Pollard, esquires; John Wilson, clerk; John Green, clerk; Patrick Fox, gentleman; Benjamin Spann, clerk; James Corry, John Corry, esquires; and Michael Boyer and Mathew Young, Patrick Kenny, gentlemen.

For the city and county of Londonderry.

The Mayors and Recorders of Londonderry and Colerain for the time being, the Sheriffs of the city and county of Londonderry, for the time being; Sir Tristram Beresford, Sir Arthur Langford, Sir Robert Staples, baronets, William Jackson, David Cairnes, Bartholomew Vanhomrigh, Henry Langford, and William Connelly, esquires; William Smyth, Gervaise Squire, Alexander Lecky, James Lennox, Henry Long, Henry Ash, Horace Kenedy, Thomas Moncreiffe, and Edward Brookes, all aldermen of the city of Londonderry; Alexander Skipton, Charles Norman, Thomas Edwards, George Tomkins, John Mogridge, John Harvey, and Michael Cunningham, gentlemen; William Cuningham, Thomas Dawson, Hugh Rowley, Michael Downing, Arthur Upton, and Clotworthy Upton, esquires; Hugh Rainey, Thomas Ash, Adam Downing, William Palmer, Samuel Wright, and John Howey, senior, gentlemen; Edward Carey and William Gage, esquires; the Provost of Newtown for the time being; George Carey, George Church, William Bacon, Edward Bacon, Robert Bacon, Robert Dent, George Thornton, Henry Brown, gentlemen; Hercules Rowley, George Canning, and Thomas Church, esquires; collonel Thomas Blaire, George Canning, Charles Church, junior, gentlemen; John Hodgson, Dominick Heyland, gentlemen; Coote Ormsby dean of Derry, doctor Christophilus Jenny, Richard Griffith, clerk, and Robert Gage, clerk; Tristram Beresford, William Godfrey, Samuel Jackson, and Benjamin Gallant, esquires; Arthur Church, John Galt, and Edward Barwicke, aldermen of Colerain; Michael Berisford, Arthur Carey, Thomas Spaight, and Thomas Lance, gentlemen; Nicholas Averell, John Thompson, junior, and John Galt, junior, merchants; Richard Linan, James Buoy, and John Oliver, gentlemem; Samuel Hill, Edward Hall, Nathaniel Hornby, and John Cowan, esquires; Alexander Gordan, William Mackey, Robert Gamble, Albert Hall, Samuel Erving, and Jacob Alexander, merchants; Robert Mack Neale, esquire; and Gideon Scott, clerk.

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For the county of Lowth.

Sir Henry Titchborne, baronet; Sir Thomas Forteſcue, knight; Thomas Bellingham, James Tiſdal, William Forteſcue, Brabazon Moore, Blaney Townley, Robert Alway, John Pepper, Edward Singleton, Timothy Armitage, Norman Garſtin, Jeremy Smyth, William Barton, John Graham, eſquires; John Ruxſton, captain Brent Moore, James See, John Smith, Anthony Bury, gentlemen; Arthur Brownlow, Henry Teniſon, William Brabazon, eſquires; William Eccleſton, gentleman; doctor Thomas Cox, Moſſom Wye, clerk; the ſheriff for the time being.

For the county of Mayo.

Sir Henry Bingham, baronet; Sir Arthur Shaen, baronet; William Gore, John Bingham, Owen Vaughan, Robert Miller, Thomas Bell, Robert Bell, John French, John Mathews, Owen Wynn, George Gore, William Palmer, Thomas Burdett, Francis Palmer, Robert Ormſby of Cloghans; Robert Gardiner, Roger Palmer, Edward Wilſon, and George Bingham, eſquires; John Hill, Mathew Bell, Gilbert Miller, Thomas Cuffe, Francis Bingham, Joſeph Lewen, Robert Ormſby, of Ballinamoe, John Sheridan, Thomas Browne, William Knox, Edward Crofton, and Perkins Vaughan, gentlemen; George Car, Francis Knap, Henry Crofton, James Gordon, James Clarke, Thomas Eccleſton, William Pullen, Henry Gonn, Quatremain, Gideon Johnſon, and Edward Nicholſon, clerks.

For the county of Meath.

The honourable Robert Rochfort, eſquire, ſpeaker of the houſe of commons; the right honourable the lord Moore, the chancellor of the Exchequer, Oliver Lambert, eſquire; Sir Arthur Langford, Sir Henry Ingoldſby, baronets; Sir Henry Tichburne, knight and baronet; Sir John Dillon, knight; Thomas Bligh, eſquire; Sir Charles Fielding, knight; William Napper, Robert Johnſon, Arthur Meredith, James Hamilton of Tullymore, Francis Oſburne, Thomas Taylor, Charles Meredith, Garret Weiſley, James Napper, doctor Mollyneux, Edward Corker, Edward Forth, Michael Shields, Samuel Bull, Henry Langford, Robert Stopford, Lancellot Dowdal, Joſeph Dean, Charles Lambert, Henry Oſburne of Dardiſtown, Stephen Ludlow, John Warburton, and Francis Stoyte, eſquires; John Harris, gentleman; major George Pepper, Symon Pepper, Hugh Mervyn, John Leigh, John Grimes, and William Ellwood, eſquires; Nathaniel Elwood, Anthony Perry, gentleman; Charles Campbell, eſquire; Richard Shinton, Henry Oſburne of Knowth, Thomas Garret, gentlemen; Joſeph Woodward, William Williams, Samuel Jackſon, eſquires; Thomas Nicholſon, gentleman; Henry Meredith, eſquire; major John Pepper, Henry Coddingan, eſquire; Alexander Kent, Joſeph Dean, junior, gentleman; Darcy Wentworth, George Wentworth, Nathaniel Bull, John Wade, eſquires; Charles Wade of Clonbray, gentleman; John Wood ſenior, John Wood junior, Robert Allway, Fauſtin Cuppaidge, James Morecroft, archdeacon of Meath, Joſeph Dean junior, John Perceval, Samuel Dopping, Thomas Loftus, Joſeph Prat, and Benjamin Prat, eſquires; John Prat, gentleman; William Connelly, Richard Jones, Iſaac Holroid, John Hawkſhaw, eſquires; Portreive of Trim for the time being; Sovereign of Kells for the time being; Portrieve of Navan for the time being; Duke Jefford, James Tiſdall, Edward Swan, eſquires; alderman James Vanbubbart, captain William Ingoldſby, doctor Marmaduke Coghill, Oliver Moore, Thomas Aſh, William Palmer, eſquires; Sir John Coghil, knight; Robert Smith, Robert Moleſworth, Hugh Morgan, John Preſton of Ardſallagh, eſquire; Richard Barry, gentleman; Richard Willett, eſquire; Samuel Gibbons, Francis Teuk, gentleman; James White of Maglaire, Thomas Carter,

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James Barry, and Richard Aſh, eſquires; doctor John Bolton, dean Ryves, John Chettwood, clerk; John Keating, eſquire; John Preſton, Joſhua Warren, clerk; doctor Barton, colonel Echlin, doctor Stearne, Benjamin Chetwood, eſquire; Edward Leſtrange, maſter Waller of Allinſtowne, gentleman.

For the county of Monaghan.

The honourable maſter juſtice Coote; the high-ſheriff for the time being, William Barton, Henry Teniſon, Robert Echlin, Charles Deering, Hugh Mountgomery, James Curry, James Moore, Arthur Brownlow, James Piſdall, Edward Davyes, Richard Johnſton, Francis Lucas, ſenior, Francis Lucas, junior, Bryan Norbury, William Wiſhart, Blaney Owens, Henry Richardſon, John Curry, Alexander Mountgomery, Richard Pockridge, Gilbert Eccles, Richard Leigh, Joſeph Johnſton, Timothy Armitage, Walter Dawſon, Thomas Wildman, and Thomas Chappel, eſquires; captain Bernard Ward, captain James Butler, captain Robert Stevenſon, captain Hans Stevenſon, captain Joſeph Campbel, John Leſlie, dean of Dromore; John Smith, archdeacon of Clogher; William Smith, John Law, John Forſter, Ralph Barlo, John Knox, Andrew Mountgomery, William Pockridge, clerks; the Provoſt of Monaghan for the time being; Charles Congrave Robert Maxwel, John Barlo, Francis Roſe, Benjamin Roſe, Henry Evett, Dudley Teniſon, John Forſter, James Stanecus, Richard Allen, Richard Fitch, Francis Dobb, William Johnſton, Thomas Jones, John Shewel, and Jaſper Wills.

For the Queen's county.

The high ſheriff for the time being; Sir John Mead, knight; John Weaver, ſenior, John Weaver, junior, Robert Warnford, Walter Weldon, Richard Warburton, ſenior, and St. Leger Gilbert, George Warburton, Richard Warburton, junior, eſquires; Sir Thomas Veſey, baronet; Denny Muſchampe, William Harpole, Periam Poole, Dudley Coſby, Richard Hanſard, Richard Pryor, Thomas Pigott, William Gray, John Barrington, Stephen Fits-Gerald, Thomas Carr, John Short, John Spranger, Edward Stubbers, Mr. White Read, clerk, Gilbert Rawſon, Richard Segar, Robert Piggott of Cappard, Oliver Wheeler, Thomas Carter, Wentworth Harman, Robert Saunders, Anderſon Saunders, William Brereton, eſquires; doctor Charles Crow, Andrew Neſbit, Thomas Moſſe, Maurice Kenelly, and Richard Hall, clerks; Thomas Starkey, Francis Newbold, ſenior, Gerald Fitz-Gerald, Abraham May, ſenior, Lancelot Sands, Robert Fin, Hopton Harris, and Richard Vicars, ſenior, gentlemen; the Burgomaſter of Maryborough for the time being; the Soveraign of Ballinakill for the time being; the Soveraign of Portarlington for the time being.

For the County of Roſcommon.

Sir Robert King, baronet; Sir George St. George, Sir Edward Croſton, Sir Edward Shaen, Sir Arthur Cole, baronets; John King, Henry Sandford, Arthur St. George, Gilbert Ormſby, William Caulfield, William Handcock, ſenior, Gilbert King, Henry St. George, Andrew Blackburne, John Dogherty, John French, Robert Sands, Edward Madden, John Reynolds, Theophilus Jones, Gilbert Gardner, Henry Dodwell, and Daniel Hudſon, eſquires; captain Richard St. George, maſter ſerjeant Neave, Dean Cope, clerk; captain Toby Molloy, Edward Ormſby, gentleman; George Digby, clerk; Gilbert Donellan, George Croſton, gentlemen; Stephen Handcock, clerk; Bryan Goovin, Thomas Walker, Alexander Erwin, Henry Erwin, Humberſton Weſtby, gentlemen; Edward Nicholſon, clerk; Lewis Hawks, Robert Gouldſmith, Dennis Delany, Edward Kelly, Thomas Yeadon, and David Cunningham, gentlemen; Jonathan Law, clerk; Patrick French, Francis Weldrum,

Waldrum, Bartholomew Mahon and Theophilus Pierce, gentlemen; the Soveraigns of Athlone, Roſcommon and Tulſk, for the time being; the Burgomaſter of Boyle, for the time being.

For the county of Sligoe.

Sir Robert King, Sir Edward Crofton, baronets; Edward Wingfield, Hugh Morgan, Chidley Coote, John King, archdeacon Michael Jones, Percy Gethin, Roger Smith, Arthur Cooper, William Griffith, Matthew Ormſby, Jeremiah Jones, Henry Yeadon, clerk; Lewis Jones, William Gore, John French, Adam Ormſby, George Wood, William Ormſby, Charles Hara, Benjamin Burton, eſquires; William Ahouleck, clerk; Keane Hara, Robert Folliott, and Thomas Jones, eſquires; William Smith, Philip Cox, James Barrett, Stephen Ormſby, gentlemen; Tobias Caulfield, clerk, John Fleming, Matthew Fibbs, Matthew Yeadon, John Neylan, William Harlac and James Devett, gentlemen.

For the county palatine of Tipperary.

Sir Richard Payne, knight, lord chief juſtice of Ireland; lord viſcount Ikeryne; Sir John Meade, knight; Stephen Moore, eſquire; Sir Thomas Oſborne, knight; Standiſh Hartſtounge, ſenior, James Harriſon, John Ottoway; Sir Arthur Cole; Thomas Towler, William Smithwick, Charles Alcock, Richard Moore, Samuel Greene, Robert Blenerhaſſett, Thomas Carter, John Perry, William Armſtrong, John Pyke, Symon Broadſtreet, John Hunt, John Baily, Robert Stopford, Anthony Chearveley, John Cooke, Oliver Latham, Kingſmel Pennefather, George Read, John Buckworth, Richard Buckworth, James Dawſon, Agmundiſham Cuffe, Hector Vaughan, Thomas Cleare, ſenior, Richard Whaley, Joſeph Floyd, Anthony Maude, John White of Cappagh, Humphrey Minchin, Daniel Gahane, Anthony Carrol, Nicholas Southcoate, Thomas Tillſon, Thomas Moore, Richard Waller, Anderſon Saunders, Thomas Batty, Joſeph Damer, Francis Foulkes, Jonathan Aſh and Edward Stratford, eſquires; the High-ſheriff for the time being; Mayor of Caſhell for the time being, Soveraign of Fethard for the time being; Mayor of Clonmell for the time being; Robert Bredin, Patrick Hackett, clerks; John White of Ardfinane, Matthew Bunbury, David Low, William Lane, John Hunt, of Glangoole, George Burdett, Charles Langly, William Turvin, John Minchin of Shangarry, Robert Cole, John Minchin, of Annagh, Phan. Cooke, junior, Thomas Shephard, Thomas Salmon, Charles Robinſon, Peter Cooke, junior, Thomas Clare, junior, William Latham, Joſeph Judkins, Andrew Roe, John Cooley, Michael Stanley, Henry Clare, Philip Carleton, John Carleton, Richard Denniſon, Phineas Riall, Richard Newport, John Marſhall, John Moore, of Sheſkin, Robert Boreman, William Minchin, Matthew Jacob, Iſaac Hales, and Matthew Squibb, gentlemen; colonel Chidley Coote, Edward Worth, George Evans, Robert Curtis and John Curtis, eſquires; John Hall, gentleman; colonel William Smithwick; Kilner Braſier, eſquire; captain Henry Smithwick; Joſeph Stepny and Robert Foulkes, eſquires.

For the county of Tyrone.

The High-ſheriff of the ſaid county for the time being; colonel Toby Caulfield, colonel John Caulfield; Sir Triſtram Beresford, Sir Robert Staple, baronets, Sir Henry Tichborne, knight and baronet; Sir Thomas Packenham, knight; James Hamilton, Henry Mervin, Thomas Knox, John Hamilton, Audley Mervin, Oliver

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Cauſland, Richard Johnſton, David Cairnes, David Creighton, Robert Echlin, Hugh Hamill, Francis White, James Moore of Anacley, Archibald Richardſon, William Barton, James Mutray, Patrick Hamilton, William Stewart of Killmone, Thomas Morris, John Leſlie, William Hamilton of Maynagh, William Latham, John Houſton, Andrew Stewart of Irey, James Moore of Diſertreagh, Francis Nevill, Robert King, George Stewart, Archibald Hamilton, Thomas Edwards, Charles Eccles, John Houſton of Caſtleſtewart, eſquires; the Provoſt of Strabane, and Dungannon for the time being; archdeacon Hamilton, John Smithler, clerks; Edmond Arwaker, John Morris, clerks; David Mc Clenaghan of Strabane, William Maxwell of the ſame, William Hamilton of Mountalony, James Hamilton of Liſdwen, William Cairnes, Allen Moore, William Moore, Stewart Blacker, Robert Lowry, Charles Young, John Dowglaſſe, Thomas Cooper, William Goodlett, John Gamble, merchant, ——— Martin, James Stewart of Klilemorin, Duley Teniſon, Andrew Baily, Francis Hueton, Walter Linſey, James Richiſon, William Moore of Loghmurphy, William Babbington, Robert Edwards, Winter Fergy and William Hamilton of Ballefatton, gentlemen.

For the city of Waterford.

The Mayor for the time being; Anthony Suxbury, eſquire, recorder; Richard Chriſtmaſs, eſquire; Sir John Maſon, knight; John Dalton dean of Waterford, John Eccles, Alexander Alcock, clerks; Henry Nichol, Joſeph Ivie, John Hallam and John Head, eſquires; William Dennis, Francis Barker, Abraham Smith, Benjamin Bolton, Samuel Frith, and John Lap, aldermen.

For the County of Waterford.

The High-ſheriff for the time being; the honourable Henry Boyle, eſquire; the honourable Henry Petty, eſquire; Sir John Maſon, knight; Richard Downing, clerk; Sir John Oſborne, Sir Arthur Cole, baronets; Sir Thomas Oſburne, knight; colonel Stephen Stanley; John Dalton, clerk, dean of Waterford; Arthur St. Leger, Richard Chriſtmas, Henry Nichol, William Bolton, John Otterington, William Dobbin, Edmond Forteſcue Aland, Joſeph Ivye, Robert Carew, Edward May, junior, William Bucknor, John Head, Timothy Wall, John Nettles, Samuel Maynard, William Greatracks, Roger Power, William Congreve, Thomas Wallis, Andrew Bagg, Edward Hibbart, William Browning, Thomas Croker, Richard Biert, Richard Yeates and Robert Cooke, eſquires; John Eccles, Alexander Alcock, Symon Radcliffe, clerk; Beverly Uſhher, Samuel Frith, Benjamin Bolton, Richard Bagg, Ralph Greene, Charles Bolton, Michael Carew, gentlemen; Francis Foulke, eſquire, and Jeremy Coghlan.

For the county of Weſtmeath.

The honourable Robert Rochfort, eſquire, his Majeſty's attorney-general, and ſpeaker of the honourable houſe of commons; Oliver Lambert, eſquire; Sir Francis Blundel, baronet; Sir Thomas Packenham, Sir Richard Levinge, Sir John Rogerſon, knight; George Peyton, William Handcock, John Uſher, Walter Pollard, Thomas Handcock, Henry Monke, Charles Lambert, James Nugent, Robert Packenham, Thomas Smith, Chriſtopher Nugent, John Wood, junior, William Jones, Thomas Nugent, Ralph Elrington, John Percivall, Lewis Meares, ſenior, Alexander Murray, Arthur St. George, John Cooke, Lewis Meares, junior, Barachias Low, Richard Pilkington, eſquires; Robert Smith, clerk; William Saunderſon, eſquire; Richard Tigh, gentleman; Edward Bertles, Hugh Bowen, Charles Fox, Anthony Shepheard, Francis Stoit, eſquires; Stephen Handcock,

Handcock, clerk; Samuel Jackſon, eſquire, Nicholas Knight, clerk, ——— Delgarno, clerk, Edward Wallwein, clerk; Henry St. George, Henry Dowdal, Dillon Pollard, Robert Temple, Patrick Fox, eſquires; William Gamble, gentleman; Thomas Daly, Leonard Hatfield, eſquires; Arthur Judge, ſenior, Thomas Magan, Oliver Shorne, Edmond Brainthwaite, Charles Smith, Henry Sibbalds, James Pollard, Dominick French, Thomas Smith, William Chapman, John Boſwel, Henry Smith, Roger Harriſon, gentlemen; major John Rider, John Leſtrange, and captain John Crokes.

For the county of Wexford.

The honourable Philip Savage, Matthew Pord, Daniel Wybrants, John Harvey, Francis Anneſley, Thomas Crofford, John Seymoure, Richard Barry; Sir Richard Bulkley, Sir Nicholas Loftus; John Chicheſter, Abel Ram, Robert Woleſley, Anderſon Saunders, John Cliff, Nathaniel Boyſe, Maurice Anneſley, Henry Loftus, eſquires; doctor Robert Elliot, Cadwallader Edwards, Edward Jones, Richard Wentworth, eſquires; archdeacon Benjamin Neale, Joſhua Tench, Thomas Pallifer, Thomas Mildmay, Charles Buggs, John Haugh, clerk; William Hore, John Shapland, Thomas Phillips, Thomas Richards, maſter ——— Donovan, Michael Parſley, Joſhua Nun, James Underwood, William Alcock, maſter William Moore, Nicholas Kemeys, ſenior, eſquire; Alexander Allen, clerk; James Stopford, John Bunbury, John White, Edward Rogers, Hugh Warren, Samuel Tench, Revenſcroft Gefford, William Cole, Roger Lindon, William Anneſley, James White, John Grogan, Henry Archer, Lawrence Davys, Thomas Ivory; the Mayor of Wexford for the time being; the Soveraign of New Roſſe for the time being; the Soveraign of Newborrough, *alias* Gory, for the time being; Henry Halton, John Smith, Hygate Boyde, John Boyſe, Henry Napper; the Portrieve of Enniſcorthy for the time being; Richard Donovan, Jervas Clifton, Nicholas Codd, eſquires; Walter Bunbury, gentleman.

For the county of Wicklow.

Sir Richard Bulkely, baronet; Thomas Keightly, William Robinſon, Chambre Brabazon, Chriſtopher Carlton, Chriſtopher Uſher, William Uſher, Richard Thompſon, William Hoye, Hugh Eccles, Denny Muſchampe, Gideon Delawne, Edward Worth, Owen Jones, Humphry Mathews, Peter Craddock, Robert Stratford, Chriſtopher Colwel, Robert Graydon, John Whitehead, William Neave, Abraham Nixon, William Fownes, Anthony Archer, John Hacket, Thomas Philips, Tichburne Weſt, Thomas Burrows, Edward Stratford, Charles Rickeſeyes, eſquires; Talbott Kean, John Edwards, Henry Graydon, Walter Harris and William Humphrey, gentlemen; and Bernard Browne, eſquire.

Which ſaid ſeveral perſons ſhall meet at the moſt common place of meeting for their reſpective counties and cities, on the ſaid firſt day of March one thouſand ſix hundred ninety eight; and the ſaid commiſſioners, or ſo many of them as ſhall be preſent at the ſaid meeting, or the major part of them, may ſubdivide as well themſelves as other the commiſſioners not then preſent, for the executing of this act, into leſſer numbers, ſo as three or more of them ſhall always be preſent at each meeting for any barony, diviſion, territory, ward or pariſh, to put the ſaid act into execution; and that the ſaid commiſſioners ſhall and may meet at the ſaid moſt common place of meeting for their reſpective counties and cities, and the ſaid ſub-diviſions of the ſaid commiſſioners, at ſuch places as they, or the major part of them, ſhall appoint in the reſpective ſubdiviſions from time to time, and as often as there ſhall be occaſion for the execution of this act.

A. D. 1698. Chap. 3.

IX. And for the more regular raiſing and levying the ſeveral ſums charged by this act; be it further enacted by the authority aforeſaid, That the ſaid commiſſioners at their ſaid firſt meeting ſhall aſcertain and aſſeſs the proportions of the ſaid charge or tax, payable and levyable out of each and every of the ſeveral lands, tenements, hereditaments, tythes, and impropriations in the ſaid reſpective counties and cities in this kingdom; and the ſaid aſſeſſments fairly written on parchment, under the hands and ſeals of three or more of the ſaid commiſſioners, ſhall on or before the firſt of May one thouſand ſix hundred ninety nine, deliver to the collector of his Majeſty's revenue in the ſaid county or city; and that the reſpective collectors of his Majeſty's revenue ſhall and do give publick notice of the days when, and places where, in each barony in the ſeveral counties of this kingdom, and of the places in the ſeveral cities and counties of towns in the ſaid kingdom, where the reſpective taxes payable for and out of the ſeveral lands, tenements, hereditaments, tyths, and impropriations in the ſaid baronies, cities and towns, ſhall be paid, and that ſuch day ſhall always be a day after the ſeveral days, on which the ſaid tax is payable by this act; and that all and every the ſums, ſo charged and aſſeſſed by the ſaid commiſſioners as aforeſaid, ſhall be paid to the ſaid reſpective collectors of his Majeſty's revenue at and on the ſaid days and places; which ſaid collectors ſhall and are hereby required to give receipts or acquittances in writing or print for the ſeveral ſums ſo by them received, immediately on the receipt of the ſaid ſeveral ſums, without fee or other reward, and that ſuch receipts or acquittances ſhall be ſufficient diſcharges for ſo much of the ſaid tax.

X. And be it further enacted, That in default of ſuch payment at the days and places aforementioned, it ſhall and may be lawful to and for the ſaid reſpective collectors of his Majeſty's revenue, with the aſſiſtance of the conſtable of the reſpective pariſh or pariſhes, who are hereby required and commanded to be aiding and aſſiſting as often as there ſhall be occaſion, to levy by diſtreſs the ſeveral ſums charged and payable out of the ſeveral lands, tenements, hereditaments, tyths, and impropriations in this kingdom, or ſo much thereof as ſhall not be paid at the ſaid days and places appointed; and that the ſaid diſtreſs and diſtreſſes, ſo to be taken for the ſaid tax, ſhall be impounded as diſtreſſes for rent between landlord and tenant, and not otherwiſe, and ſhall and may be diſpoſed of and ſold as is uſual in caſes of diſtreſs, rendering the overplus to the owner; and that where ſufficient diſtreſs cannot otherwiſe be had, it ſhall and may be lawful to and for the ſaid collectors in the preſence of the conſtable of the pariſh, by warrant under the hands and ſeals of two or more of the ſaid commiſſioners of the reſpective counties or cities, to break open any houſe or houſes in the day-time to diſtrain for the ſaid tax.

XI. And be it further enacted, That no fee, reward, or other gratification whatſoever ſhall be paid, demanded, or given to the ſaid collectors, or any other perſon or perſons whatſoever, for or on account of receiving, collecting, or diſtraining for the ſaid tax.

XII. And be it further enacted by the authority aforeſaid, That the ſeveral tenants of all houſes, lands, tenements, hereditaments, tyths, and impropriations in this kingdom rated towards the ſaid tax, ſhall pay ſuch ſum or ſums as are or ſhall be ſo rated or charged thereon, and may deduct ſo much out of the rent reſerved and payable by them to their landlords, as the proportion of the ſaid tax, payable by their ſeveral landlords mediate and immediate, ſhall amount unto; and that the ſaid tenants paying the ſaid landlords proportion of the ſaid tax ſhall be a full diſcharge to the ſaid tenants for ſo much of their rent, notwithſtanding any contract or covenant to the contrary.

XIII. And for aſcertaining the proportion of the ſaid tax between the ſaid landlords and tenants; be it further enacted, That the chief landlord or proprietor of

the ſaid ſeveral lands, tenements, hereditaments, tyths, and impropriations, ſhall be charged with and pay one full half or moyety of the ſaid tax or rate charged on the ſaid reſpective lands, tenements, hereditaments, tyths, and impropriations; and that the ſeveral tenements mediate and immediate, according to their reſpective intereſts, do and ſhall pay the other half or moiety thereof; and that in the diſtribution or apportioning the ſaid half or moyety of the ſaid tax among the ſaid tenants mediate and immediate, each mediate tenant be accounted and pay as a landlord with regard to his tenant or tenants.

XIV. Provided always, That if the ſaid moyety or proportion of the ſaid rate or tax ſo charged on the ſaid chief landlord do exceed the moyety of his, her, or their clear rent out of the ſaid lands, tenements, hereditaments, tyths, or impropriations, that then ſuch landlord ſhall pay only a moyety of ſuch clear rent, and the reſidue, or ſo much as the ſaid rate or tax charged on the ſaid landlord as aforeſaid, ſhall exceed the moyety of his, her, or their clear rent as aforeſaid, ſhall be paid by and charged on the ſaid tenants mediate and immediate.

XV. And be it alſo enacted, That all and every perſon and perſons having mortgages, rent-charges, dowers, joynturs, annuities, or other eſtates for life in or iſſuing out of any of the ſaid lands, tenements, hereditaments, tyths, or impropriations, whereon no rent is reſerved, ſhall be deemed, charged and rated as chief landlord or proprietor, and allow and pay a proportion of the ſaid tax according to his, her, or their intereſt or benefit out of the ſaid lands, tenements, hereditaments, tyths, or impropriations; and that the greater number of the ſaid commiſſioners preſent, not under three in each barony, territory, diviſion, ward or pariſh, ſhall have full power to hear and finally to determine, on the conſtruction of this act, what part or proportion of the ſaid tax ſhall be paid by, or charged on ſuch mortgages, tenants in dower, or other tenants for life, or incumbrances aforeſaid, and likewiſe the apportioning or dividing the ſaid moyety of the ſaid tax between the ſaid ſeveral tenants mediate and immediate, and all other differences ariſing upon the conſtruction or in the execution of this act.

XVI. Provided always, that none of the ſaid commiſſioners ſhall have a vote in his own caſe, but if any controverſie ariſe touching the proportion of the ſaid tax to be paid by or charged on him, ſhall withdraw during the debate of ſuch controverſie, until it be determined by the reſt of the commiſſioners then preſent; and in default thereof, that the ſaid commiſſioners then preſent ſhall have power, and are hereby required, to impoſe ſuch fine or fines, not exceeding twenty pounds *ſterling*, as to them ſhall ſeem meet, upon ſuch commiſſioners ſo refuſing to withdraw, and to cauſe the ſame to be levyed and paid as the ſeveral rates and aſſeſſments, charged and made purſuant to this act, are to be levyed and paid.

XVII. And be it further enacted by the authority aforeſaid, That if any proprietor or farmer of any tyths in this kingdom ſhall neglect or omit to pay the rate or proportion of the ſaid tax, charged on the ſaid tyths, at the time and place before mentioned, that it ſhall and may be lawful to and for the ſaid collectors as aforeſaid to diſtrain and ſeize the ſaid tyths and diſpoſe thereof as is uſual in caſe of other diſtreſſes, and in caſe ſo much of the ſaid tyths cannot be found to be diſtrained or ſeized, as ſhall be ſufficient to anſwer the ſaid tax or charge due thereout, and in caſe where there ſhall not be a ſufficient diſtreſs upon any of the ſaid lands, tenements, or hereditaments to anſwer the ſaid charge or tax due thereout, that then upon affidavit made thereof, the ſaid ſeveral lands, tenements, hereditaments, tyths, and impropriations ſhall and may by proceſs out of his Majeſty's court of Exchequer be ſeized into his Majeſty's hands, as in caſe of arrears of crown-rent or quit-rent, and there detained, until out of the profits thereof the ſaid tax due thereout be paid.

A. D. 1698.

XVIII. Provided always, that no poor cottier or poor day labourer shall be charged with or pay any part of the said tax, but that the same shall be wholly allowed to him by his immediate landlord in his rent, or be paid by his said landlord.

XIX. And for the careful writing and engrossing the said rates and assessments in due time; be it further enacted by the authority aforesaid, That the said commissioners clerks, who shall respectively perform the same, shall, by warrant under three or more of the said commissioners hands, have and receive from the said respective collectors, two pence in the pound for all such sums of money as shall respectively be rated, assessed, and charged in such assessments pursuant to this act; which said collectors are hereby appointed to pay the same accordingly.

XX. And be it further enacted by the authority aforesaid, That no letters patents granted by his Majesty, or any of his royal progenitors, to any person or persons, cities, burroughs, or towns corporate within this realm, of any manour of liberties, privileges, or exemptions from subsidies, tolls, taxes, assessments, or aids, shall be construed or taken to exempt any person or persons, city, place, burough, or town-corporate, or any of the lands, tenements, hereditaments, tythe, or impropriations within the same, from the burthen and charge of any rate or tax granted by this act, but that the same shall bear and pay their proportion of all rates and assessments by this present act imposed; any such letters patents, grants, or charters, or any clause of *non obstante*, matter, or thing therein contained, or any law, statute, custom, or prescription to the contrary notwithstanding.

XXI. And be it further enacted by the authority aforesaid, That if any action, suit, plaint, or information shall be commenced or prosecuted against any person or persons, for whatsoever he or they shall do in pursuance or in execution of this act, such person or persons so sued in any court whatsoever shall and may plead the general issue, not guilty, and upon any issue joyned may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuite, or forbear further prosecution, or suffer a discontinuance, or if a verdict shall pass against him, the said defendant or defendants shall recover his or their treble costs, for which he and they shall have the like remedy as in case where costs by law are given to the defendant.

CHAP.

A. D. 1698.

CHAP. IV.

An Act to Compleate the Supply to His Majesty, and to Build and Finish the Barracks in this Kingdom.

WE your Majesty's most obedient and dutiful subjects the commons in Parliament assembled, in addition to the former aids given unto your Majesty for the defraying the publick expence of this kingdom, and also for building a sufficient number of barracks therein, in addition to the barracks and redoubts already built or begun, have granted unto your Majesty the additional duties hereafter mentioned, on the goods herein after expressed, and do beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, that an additional duty of one pennty *per* pound, be raised and leavied upon all tobacco, that shall be imported into this kingdom, from and after the twenty fourth day of December one thousand six hundred ninety eight, until the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and two: the said additional duty of one penny *per* pound on all tobacco, as aforesaid, to be raised and paid over and above all rates and duties due or payable for or out of the same, by vertue of any former or other law in this kingdom.

7 Wil. 3. 16.
9 Wil. 3. 4.

Additional duty for defraying publick expence, and building barracks.

One penny *per* pound on tobacco from 24th of December 1698, till 25th of Dec. 1702.

over and above former duties.

II. And whereas it is found necessary to answer the ends aforesaid, That the additional rates and duties granted to his Majesty on tobacco by several acts made in this present Parliament, and the penny *per* pound granted by this act, shall be continued till the twenty fourth day of June one thousand seven hundred and three; be it further enacted by the authority aforesaid, That all tobacco, that shall be imported into this kingdom at any time from and after the twenty fifth day of December, which will be in the year of our Lord one thousand seven hundred and two, until the said twenty fourth day of June, which will be in the year of our Lord one thousand seven hundred and three, shall answer and pay unto his Majesty, his heirs and successors, the additional duty of three pence half-penny for each pound weight of tobacco, to be imported into this kingdom from the twenty fifth of December one thousand seven hundred and two, to the twenty fourth day of June one thousand seven hundred and three, over and above the duty of two pence half-penny *per* pound, payable to his Majesty out of each pound weight of imported tobacco, by vertue of the laws and statutes in force in this kingdom before the commencement of this present Parliament, so as during the time aforesaid, between the said twenty fifth day of December one thousand seven hundred and two, and the said twenty fourth day of June one thousand seven hundred and three, and no longer, all tobacco imported shall by vertue of this act pay three pence half-penny for each pound weight, over and above the hereditary revenue due to the crown out of tobacco imported; and each pound of tobacco, imported between the twenty fifth day of December one thousand six hundred ninety eight, and the twenty fourth of June one thousand seven hundred and three, shall by vertue of this act, and all other laws in force in this kingdom, pay in the whole the duty of six pence *per* pound during the time aforesaid, and no more or greater duty: which said several duties of one penny *per* pound, and three pence half-penny *per* pound, shall and may be raised, collected, levied and paid unto his Majesty, his heirs and successors, during the respective times aforesaid, at the like times, and in the same manner

From 25th Dec. 1702, to 24th of June 1703, additional duty of three pence half-penny *per* pound on tobacco, over and above two pence half-penny *per* pound by former acts.

Six pence per pound in the whole, till that time.

A. D. 1698.

and place, and by ſuch rules, ways, and means, and under ſuch penalties and forfeitures, as are mentioned, appointed, and expreſſed in and by one act of Parliament made in a ſeſſion of Parliament, which began the ſeventeenth day of April, in the fourteenth year of the reign of the late King Charles the ſecond, intituled, *An act for ſettling the exciſe or new impoſt upon the ſaid late King Charles the ſecond, his heirs and ſucceſſors*, according to the books of rates in the ſaid act inſerted, for levying and collecting the ſeveral rates and duties granted and impoſed by the ſaid act.

levied as by 14 & 15 *C.* 2. 8.

III. Provided always, and be it further enacted by the authority aforeſaid, That the merchant or other importer of any tobacco ſo charged as aforeſaid, with the ſaid additional duty of one penny *per* pound weight, from the ſaid twenty fourth day of December one thouſand ſix hundred ninety and eight, until the ſaid twenty fifth day of December one thouſand ſeven hundred and two, and with the ſaid additional duty of three pence half-penny *per* pound weight, from the ſaid twenty fifth day of December one thouſand ſeven hundred and two, until the ſaid twenty fourth day of June one thouſand ſeven hundred and three, ſhall have like time for payment of ſuch additional duty and duties, as they had or ought to have for payment of the duty laid on tocacco by vertue of the above named act of exciſe or new impoſt; any thing herein contained to the contrary notwithſtanding.

Importers to have like time for payment of ſaid additional duties, as by ſaid act of exciſe.

CHAP. V.

An Act for laying and Additional Duty upon Woollen Manufactures exported out of this Kingdom.

WE your Majeſty's moſt dutiful and loyal ſubjects, the commons in Parliament aſſembled, being ſenſible of the great expence your Majeſty hath been, and ſtill continues at, for defence of this your kingdom in peace and ſafety from the contrivances of your Majeſty's and its enemies, in grateful acknowledgment of your Majeſty's royal care, favour and protection, and the better to enable your Majeſty to provide for the future ſafety of your liege people, do humbly beſeech your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by authority of the ſame, That from and after the five and twentieth day of March, which ſhall be in the year of our Lord one thouſand ſix hundred ninety nine, the ſeveral additional rates and charges hereafter mentioned ſhall be ſet, laid and impoſed, and are hereby ſet, laid, and impoſed, and ſhall be had, levied, demanded, collected, received, recovered, and paid, in and throughout the realm of Ireland, upon the commodities, merchandizes and manufactures hereafter particularly mentioned, that ſhall be exported out of the ſame after the five and twentieth day of March, one thouſand ſix hundred ninety nine, and before the five and twentieth day of March, which ſhall be in the year of our Lord one thouſand ſeven hundred and two, over and above all rates, taxes, payments, and duties whatſoever, which are already due or payable thereout or for the ſame: (that is to ſay) for all broad cloth that ſhall be exported out of this kingdom of the manufacture of the ſame, for every twenty ſhillings in value of the ſaid broad-cloth, the ſum of four ſhillings; and for all ſerges, bays, kerſies, perpetuanus, ſtuffs, or any other ſort of new drapery made of wool, or mixed with wool (frizes only excepted) that ſhall be exported out of this kingdom, for every twenty ſhillings in value of any of the ſaid ſorts of new drapery, the ſum of two ſhillings; all which ſaid duties every cuſtomer or collector for the time being ſhall levy and receive, according to the true value and price of ſuch goods, which ſhall be aſcertained by the ſame ways and

Additional duty from 25th of March 1699, to 25th of March, 1702.

on broad cloth exported of manufacture of this kingdom 4*s. per* pound.

new drapery made or mixed with wool (frize excepted) 2*s. per* pound.

methods, as by an act made in the fourteenth year of the reign of King Charles the ſecond, intituled, *An Act for ſettling the ſubſidy of poundage, and granting a ſubſidy of tunnage and other ſums of money unto his royal Majeſty, his heirs and ſucceſſors: the ſame to be paid upon merchandizes imported and exported into or out of this kingdom of Ireland, according to a book of rates hereunto annexed* are appointed for aſcertaining the value of all merchandizes, which are taxed to pay any duty *ad valorem*, not particularly mentioned in the book of rates, to the ſaid act annexed. And all the ſaid ſeveral duties ſhall likewiſe be collected, levied and paid during the time aforeſaid, by ſuch perſons, at ſuch times, in the ſame manner and form, and under ſuch regulations, penalties and forfeitures, as the duties payable by the before-mentioned act are enacted to be collected, levied, and paid.

A. D. 1698.

levied according to true value, aſcertained as by 14 & 15 C. 2. 9.

and under ſuch regulations as by ſaid act.

CHAP. VI.

An Act to encourage building of Houſes, and making other Improvements on Church Lands, and to prevent Dilapidations.

FORASMUCH as the manſion-houſes of ſeveral archbiſhops, biſhops, and other eccleſiaſtical perſons, have been ruined and deſtroyed by the frequent wars and rebellions, that have happened in this kingdom, whereby reſidence is become very difficult, and is like to continue ſo, unleſs due encouragement be given them to rebuild and repair their former houſes, and to erect new houſes, where it ſhall be convenient, and to keep them in good repair after they are built: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by authority of the ſame, That every archbiſhop, biſhop, or other eccleſiaſtical perſon whatſoever, that heretofore did ſince the year one thouſand ſix hundred and ninety, or ſhall hereafter at any time, make, build, erect, add to, or repair any houſe, out-houſe, garden, orchard, or any other neceſſary improvement on his demeſne, glebe, or menſal land, or in any other lands in his poſſeſſion belonging to his ſee or church, that ſhall be certified in the manner hereafter mentioned in like caſes to be fit and convenient, for the reſidence and habitation of him and his ſucceſſors, which from thenceforth ſhall be deemed and taken to be part of the demeaſne, glebe or menſal land of ſuch ſee, dignity or benefit, ſhall have and receive from his next and immediate ſucceſſor, his executors or adminiſtrators reſpectively, two thirds of the ſum or ſums really and truly expended and laid out in ſuch buildings, additions, repairs, and improvements, (neceſſary annual reparations only excepted) which ſum or ſums ſhall be finally ſettled and aſcertained by certificate under the hand and ſeal of the chief governor or governors for the time being, in the caſe of an archbiſhop, and of the archbiſhop of the province in the caſe of a biſhop, and by like certificate of the

8 *G.* 1. 11.
8 *G.* 1. 12.
12 *G.* 1. 10.
1 *G.* 2. 15.
9 *G.* 2. 13.
15 *G.* 2. 5.
17 *G.* 2. 8.

Manſion houſes of eccleſiaſtical perſons deſtroyed by frequent wars.

Reſidence thereby become difficult, unleſs encouraged to rebuild.

Eccleſiaſtical perſons building or making neceſſary improvements on church lands ſhall have from next ſucceſſor two thirds (neceſſary annual repairs excepted.)

Altered by 12 *G.* 1. 10.

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biſhop of the reſpective dioceſs in all other caſes; and ſuch ſucceſſor as aforeſaid, having paid the two thirds of the ſum or ſums certified as aforeſaid, ſhall and may receive one moiety thereof; that is, one third of his firſt diſburſement from his next ſucceſſor; which ſaid ſums ſhall be paid in all caſes of removal or tranſlation by four equal half yearly payments, to be accounted from ſuch removal or tranſlation; and in caſe of death, by two equal half yearly payments, to be accounted from the day of ſuch death, and ſhall and may be recovered by the party who ought to receive the ſame, his executors or adminiſtrators, either by diſtreſs on any of the lands or tenements of ſuch archbiſhoprick, biſhoprick, living or benefice belonging to the ſucceſſor hereby obliged to pay the ſame, or by ſequeſtration of one moiety of the rents and profits of ſuch ſee or benefice, which ſequeſtration is to be made and granted by the chief governor or governors of this kingdom for the time being, in caſe of an archbiſhop, and by the archbiſhop of the province in caſe of a biſhop, and by the biſhop of the dioceſs in all other caſes, who are hereby reſpectively required to make and grant the ſame, or by action of debt in any of his Majeſty's courts of record in this kingdom, at the election of the party who ſues for the ſame.

Aſcertained by certificate of chief governors in caſe of an archbiſhop, &c.

Succeſſor paying ſaid two thirds ſhall receive a moiety from next ſucceſſor.

Said ſums to be paid on removal by four half yearly payments.

by two in caſe of death.

to be recovered by diſtreſs,

or ſequeſtration of a moiety.

or by *debt*.

II. And becauſe it may happen that more convenient houſes, or more commodious ſituations, may be found for the reſidence of ſome archbiſhops, biſhops, and other eccleſiaſtical perſons, than do yet belong to them; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any archbiſhop, by and with the approbation of the chief governor or governors of this kingdom for the time being, and for any biſhop, by and with the approbation of the archbiſhop of his province, and for any other eccleſiaſtical perſon, by and with the conſent of the biſhop of his dioceſs, certified in writing under their reſpective hands and ſeals, to purchaſe to them and their ſucceſſors reſpectively, within their reſpective dioceſs, houſes already built, with conveniencies thereunto belonging, or lands and tenements fit for ſuch buildings and conveniencies, for the habitation and reſidence of them and their ſucceſſors for ever, thenceforth to be part of their demeaſne, glebe, or menſal land reſpectively, unalienable, and not to be let or diſpoſed of to any other uſe whatſoever; and that the purchaſe money for the ſame, and the charges and expence of buildings, additions, and repairs as aforeſaid, being aſcertained and certified as aforeſaid, ſhall be repaid, as to two thirds thereof, by the next immediate ſucceſſor, who ſhall have and receive from his next ſucceſſor one moiety

Eccleſiaſtical perſons may with approbation purchaſe in their dioceſe houſes, &c. or lands fit for building for perpetual reſidence, to be part of their demeſne, unalienable.

to be certified, and repaid by ſucceſſor, as before.

moiety or half of what he pays in like manner, and with like remedy as aforeſaid.

Biſhop of Limerick may convey his houſe to uſe of him and his ſucceſſors.

III. And that it ſhall and may be lawful, to, and for Thomas lord biſhop of Limerick, to convey his dwelling houſe in Limerick with the appurtenances, to the uſe of him and his ſucceſſors, biſhops of Limerick; and that in ſuch caſe he ſhall be paid for his diſburſements, in purchaſing, building, improving and repairing the ſame, being firſt certified and aſcertained as aforeſaid, as to two thirds thereof, by his next immediate ſucceſſor, who ſhall likewiſe have one moiety, or half of his payment from his next ſucceſſor in like manner, and with like remedy as aforeſaid.

to be paid by ſucceſſor as before.

Biſhop of Elphin with approbation of archbiſhop may remove timber to build a manſe houſe.

IV. Provided nevertheleſs, and be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the lord biſhop of Elphin, for the time being, to remove the timber and other materials from Elphin, to any other parts of the lands belonging to that ſee within his dioceſs and in his poſſeſſion, where he or they with the approbation of the archbiſhop of the province, certified in writing under his hand and ſeal ſhall think fit, to build a manſe houſe for the biſhop of that ſee, purſuant to this act.

Lands purchaſed by biſhop of Dromore, and houſe built thereon, added to the ſee, repaid by ſucceſſor as before.

V. And that part of the lands of Magherilin, Killoglan, Ballymagin, and Carrick Mac Gingan, lying and being in the county of Down, and dioceſs of Dromore, containing about fifty five Iriſh acres belonging to the ſaid See, and now in poſſeſſion of Tobias lord biſhop thereof, and by him purchaſed from the former leſſees, and the houſe built thereon by him, with the out-houſes and appurtenances, be ever hereafter added to the demeaſnes of the ſaid biſhoprick of Dromore, and be for ever deemed, reputed, and taken to be the manſe houſe, and part of the menſal lands of that ſee; and that the ſaid Tobias lord biſhop of Dromore, his executors and adminiſtrators, ſhall be repaid two third parts of the charge of purchaſing the ſaid leaſes, and making and erecting the buildings, plantations, and improvements thereon, the ſame being firſt aſcertained by certificate of the archbiſhop of the province under his hand and ſeal as aforeſaid, by his next and immediate ſucceſſor, who ſhall likewiſe receive one moiety thereof from his next ſucceſſor, in like manner and with like remedy, as aforeſaid.

Eccleſiaſtical perſons ſuffering manſion houſe or improvements to decay, ſucceſſor may ſue them, their executors, &c. in eccleſiaſtical court.

VI. And for preventing dilapidations for the future; be it enacted by the authority aforeſaid, That if any archbiſhop, biſhop, or other eccleſiaſtical perſon whatſoever, ſhall ſuffer or permit his or their manſion houſe, or any or either of them, or any of the buildings, out-houſes, gardens, orchards, or other improvements, that now are or hereafter ſhall be built, made, or erected

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on their reſpective demeaſnes, glebes, or menſal lands, to decay, go to ruin, or be out of repair, that then his next and immediate ſucceſſor or ſucceſſors ſhall and may commence his or their ſute in the eccleſiaſtical court, againſt ſuch archbiſhop, biſhop, or other eccleſiaſtical perſon, his or their executors or adminiſtrators, and have the full benefit of the eccleſiaſtical laws now in force in this kingdom in that behalf; or at his or their election may recover by action of debt againſt ſuch archbiſhop, biſhop, or other eccleſiaſtical perſon, his or their executors or adminiſtrators, in any of his Majeſty's courts of record at Dublin, ſuch ſum or ſums as ſhall be ſufficient to put ſuch houſes and improvements in ſuch good repair as they were in at any time during the incumbency of his or their predeceſſor, ſo ſuffering or permitting the ſame to go to ruin and decay; which ſum or ſums of money, ſo recovered, levied, and paid to ſuch ſucceſſor or ſucceſſors, ſhall forthwith be laid out and expended in the amendment and reparation of the reſpective houſes and improvements, for the which the ſame ſhall be recovered as aforeſaid, and in default thereof by the ſpace of ſix months after recovery and payment as aforeſaid, the archbiſhoprick, biſhoprick, or other eccleſiaſtical living, or benefice of ſuch eccleſiaſtical perſon, ſhall be ſequeſtered in ſuch manner and by ſuch perſons as is before herein expreſſed, until ſuch eccleſiaſtical perſon ſhall expend and lay out all ſuch ſums, ſo recovered and paid as aforeſaid, in the reparation and amendment of their reſpective houſes and improvements as aforeſaid: and if the archbiſhop, biſhop, or other eccleſiaſtical perſon, ſo recovering as aforeſaid, ſhall happen to dye before the ſum recovered and paid to him be laid out in reparation and amendment as aforeſaid, that then his next and immediate ſucceſſor or ſucceſſors ſhall and may recover from the executors and adminiſtrators of the perſon ſo dying double the ſum, ſo recovered and paid as aforeſaid, by action of debt in any of his Majeſty's courts of record at Dublin; unleſs ſuch executors or adminiſtrators ſhall, and do voluntarily and without ſute pay the ſame to ſuch ſucceſſor or ſucceſſors, who is to expend and lay out the ſame in manner aforeſaid, and under the like penalties and forfeitures as aforeſaid: and if any archbiſhop, biſhop, or other eccleſiaſtical perſon, that already hath or hereafter ſhall ſuffer dilapidations or decay in his manſe houſe or improvements contrary to this act, ſhall hereafter make any deed, deviſe, conveyance, grant, leaſe, bequeſt, colourable ſale, or gift (without full conſideration) of his perſonal eſtate, or any part thereof, with intent to defraud his ſucceſſor of the remedy intended him by this act; that all ſuch deeds, deviſes, conveyances, grants, leaſes, bequeſts, ſales, and gifts, ſhall be null and void, and of none effect,

Or recover by action of debt, ſufficient to put into ſuch good repair as at any time during incumbency of predeceſſor.

In default of ſo laying out the ſum recovered in ſix months, the benefice to be ſequeſtred.

If the perſon ſo recovering dies before the ſum laid out, ſucceſſor to recover double from his executors, &c. by action of debt, unleſs they voluntarily pay.

Succeſſor to lay out the ſame under like penalty.

Colourable conveyances of perſonal eſtate to defraud ſucceſſor of ſaid remedy, void. 13 *Eliz.* 10. *Eng.*

effect, againſt ſuch ſucceſſor or ſucceſſors; any former act, law, matter or thing, to the contrary notwithſtanding.

VII. Provided nevertheleſs, and it is hereby further enacted by the authority aforeſaid, That from and after the firſt day of January one thouſand ſix hundred ninety and eight, it ſhall not be lawful for any rector, vicar, curate, or incumbent, or other eccleſiaſtical perſon whatſoever, having a glebe fit and convenient to be built and improved upon for the habitation and reſidence of him and his ſucceſſors, or whereon a manſe houſe is already built, or ſhall hereafter be built, or which ſhall lye ſo near or contiguous to ſuch houſe ſo built or to be built, as to be conveniently made uſe of for the ſame, to alien, ſet, let, or demiſe ſuch glebe, or any part thereof, to any perſon or perſons whatſoever, for any longer term or time than one year from the making thereof, in poſſeſſion, and not in reverſion; but that all alienations and leaſes, or contracts, or agreements for leaſes of ſuch glebes, or any part thereof, for more than one year as aforeſaid, ſhall be null and void to all intents and purpoſes whatſoever.

Leaſes, alienations, &c. of glebes for more than one year, void.

VIII. Provided always, and be it further enacted by the authority aforeſaid, That all and ſingular the certificate and certificates, by this act required to be made in the ſeveral caſes before mentioned, ſhall be entered at large in the publick regiſtry of ſuch dioceſs, to which the ſame relate, before any benefit or advantage to be made thereof; and that the exemplification of ſuch certificate or certificates, ſo regiſtered and entered as aforeſaid, under the hand and ſeal of the archbiſhop or biſhop of the ſaid dioceſe, ſhall be as good and effectual in the law to all the intents and purpoſes of this act, to be produced at any tryal at law or otherwiſe, as the original would have been, in caſe the ſaid original ſhall at any time happen to be loſt or miſlaid, or ſo detained, that the party concerned cannot have the ſame to produce and make uſe of as aforeſaid.

Certificates required by this act ſhall be firſt entered in regiſtry of the dioceſe.

Exemplification thereof evidence where original cannot be had.

IX. And whereas the ancient pariſh church of the pariſh of Kiltohorke, in the barony of Leitrim, in the county of Leitrim, is ſituated in the moſt uninhabited part of the ſaid pariſh, remote from any of the proteſtant inhabitants of the ſaid pariſh: and whereas Carrick-Drumruſke in the ſaid pariſh and barony is an Engliſh corporation, and wholly inhabited by Proteſtants, and is therefore convenient for the ſituation of the ſaid pariſh church: be it therefore further enacted by the authority aforeſaid, That the ſaid pariſh church ſhall and may be built at the charges of the ſaid pariſh, in the town of Carrick-Drumruſke aforeſaid, in ſome convenient place in the ſaid town to be ſet apart for that purpoſe by Sir George St. George of Hedford, baronet; and that the ſaid church ſo to be built, and no other, ſhall, from the time of its

Church of Kiltohorke in Leitrim ſhall be built at the pariſh charge in Carrick-Drumruſke on land ſet apart by Sir George St. George, and be the pariſh Church.

A. D. 1698. its being ſo built, be and be deemed to be the pariſh church of the ſaid pariſh of Kiltohorke to all intents and purpoſes; and the land, to be ſet apart for the ſaid church and church-yard thereof, ſhall belong and appertain for ever to the ſaid church, freed and diſcharged of and from all claims, demands, and eſtates of the ſaid Sir George St. George, and of any perſon or perſons whatſoever claiming or deriving from, by, or under him the ſaid Sir George St. George, or under Sir Oliver St. George late of Hedford, baronet, deceaſed.

CHAP. VII.

An Act for confirming Eſtates and Poſſeſſions held and enjoyed under the Acts of Settlement and Explanation.

10 *Will.* 3. 16. *right of eccleſiaſtical perſons ſaved.*

WHEREAS by an act of Parliament made in this kingdom in the ſeventeenth year of the reign of the late King Charles the ſecond, intituled, *An Act for the explaining of ſome doubts ariſing upon an act*, intituled, *An Act for the better execution of his Majeſty's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſoldiers, and other his ſubjects there. And for making ſome alterations of and additions unto the ſaid act, for the more ſpeedy and effectual ſettlement of the ſaid kingdom*; it is among other things enacted in theſe words following: "and be it further enacted by the au-

2 *Anne* 9.

Recital of 17 & 18 *C.* 2. 2. ſec. 148.

"thority aforeſaid, That the fifty four perſons herein after named: "(that is to ſay) the earl of Weſtmeath, the lord viſcount Ikerin, "the lord baron of Dunboyne, the lord baron of Trembleſtown, "the lord baron of Upper-Oſſory, the lord Bermingham ba-"ron of Athenree, colonel Richard Butler, Sir Richard Barn-"wall baronet, Sir Redmond Everard baronet, Sir Dermott O "Shaghneſſey knight, maſter Edmond Fitz-Gerald of Ballymalo, "maſter Thomas Butler of Kilconnell, maſter ——— Macne-"mara of Crevagh, maſter David Power of Killbolane, maſter "Donogh O Callaghane of Clonemeene, maſter Bernard Tolbott "of Rathdowne, Conly Geoghegan of Donore, who are mention-"ed amongſt the thirty eight perſons in his Majeſty's late gracious "declaration, and were reſtored after repriſals ſet out, and for "whom no proviſion hath yet been made; and alſo the heirs of "Sir Lucas Dillon knight, the heirs of Sir Valentine Blake ba-"ronet, Sir Robert Talbott knight, Sir Richard Blake knight, "doctor Gerrald Fennel, Geffry Browne, John Browne of the "Neale, John Walſh, Thomas Tirrell, Edmund Dillon, Fran-"cis Coghlan of Kilcolgan in the King's county, Robert Nugent "of Gartlanſtowne, Sir John Bourke of Derrymaclaghney, Tho-

" mas Arthur eſquire, doctor in phyſick; Gerald Fleming of Caſ-
" tle-Fleming, and Bartholomew Stackpole, eſquires, who were
" alſo mentioned in the ſaid former act to be reſtored to their for-
" mer eſtates as aforeſaid, and for whom no proviſion hath yet
" been made; and alſo the lord baron of Brittas, maſter Tuite,
" ſon to Andrew Boy Tuite of Cullanmore, in the County of Weſt-
" meath, eſquire; maſter ——— Walſh, heir of David Walſh of
" Ballybeaghan in the county of Tipperary, eſquire; Sir Edmond
" Bourke, baronet, ſon to Sir Ulicke Bourke of Glinſke in the
" county of Roſcommon baronet, deceaſed; Sir Thomas Eſmond
" baronet, Sir Lucas Dowdall knight, ſon of Lawrence Dowdall
" of Athlunney in the county of Meath, eſquire; maſter Walſh,
" heir of Walter Walſh of Caſtlehoy in the county of Kilkenny,
" eſquire; Edward Wall of Ballynakill in the county of Cather-
" logh, eſquire; maſter ——— Butler, ſon of Theobald Butler,
" ſon of James Butler of Berrylaſcan in the county of Tipperary,
" eſquire; Philip Purcell of Ballyfoyle in the county of Kilkenny,
" eſquire; Sir Edmund Fitz-Gerald of Clanliſh in the county of
" Limerick, baronet; Pierce Walſh of Abbeyowney in the county
" of Limerick, John Power of Donile in the county of Water-
" ford, eſquire; Pierce Power of Moneylargy in the county of
" Waterford, eſquire; William Brabazon, the heir of Anthony
" Brabazon of Ballynaſlow in the county of Roſcommon, eſquire;
" Daniel O Bryen of Duogh in the county of Clare, eſquire; lord
" viſcount Iveagh, Sir Edward Fitz-Harris of Cloghnoteſoy in
" the county of Limerick, baronet; John Cantwell of Mokerky
" in the county of Tipperary, eſquire, and their heirs and aſſigns,
" ſhall by the commiſſioners for execution of this act be reſtored
" unto their ſeveral and reſpective principal ſeats: (that is to ſay)
" unto their ſeveral and reſpective principal meſſuages, houſes,
" or caſtles (Kilmedan and the lands thereunto belonging except-
" ed) or in caſe they have ſeveral meſſuages, houſes, or caſtles,
" to ſuch of their ſeveral meſſuages, houſes, or caſtles (Kilme-
" dan and the lands thereunto belonging excepted) as they ſhall
" reſpectively chooſe, within two months after the firſt ſitting of
" the commiſſioners for execution of this act, and unto two thou-
" ſand acres of land thereunto adjoining, if they or any of them,
" their or any of their anceſtors, or any other in truſt for them,
" or any of them, or to their or any of their uſe, were ſeized or
" poſſeſſed of ſo much upon the two and twentieth of October
" one thouſand ſix hundred forty and one, and were thereunto
" lawfully and rightfully intitled; and in caſe they or any of them,
" their or any of their anceſtors, or any other in truſt for them
" or any of them, or to their uſe, were not ſeized or poſſeſſed upon
" the two and twentieth of October one thouſand ſix hundred
" forty one of two thouſand acres as aforeſaid, then unto ſo much

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" thereof, as they were ſeized or poſſeſſed of as aforeſaid, and which " lyes contiguous to their reſpective principal ſeats: And if any " of the four and fifty perſons herein before named ſhall be found " to be in poſſeſſion of any meſſuage and lands thereunto adjoin- " ing, which to them or any of them did rightfully belong upon " the ſaid two and twentieth day of October one thouſand ſix " hundred forty one, and the lands ſo poſſeſſed ſhall be found to " exceed the quantity of two thouſand acres; it ſhall and may be " lawful to and for the lord lieutenant, or other chief governor " or governors of Ireland, and council there for the time being, to " cauſe ſo much thereof, as ſhall exceed the quantity of two thou- " ſand acres, to be retrenched and cut of in ſuch way and manner " as they ſhall think fit; and the land ſo retrenched ſhall remain " and be veſted in his Majeſty, to the end that the ſame may be " further diſpoſed to the uſes of this act:

" And for the better ſupport of ſuch of the four and fifty " perſons herein before named, who ſhall not have two thouſand " acres near adjoining and lying contiguous unto his and their re- " ſpective ſeats, to which they are to be reſtored, or having two " thouſand acres ſhall not be thought to be thereby ſufficiently pro- " vided for; it is further declared and enacted, that it ſhall and " may be lawful to and for the lord lieutenant, or other chief go- " governor or governors of Ireland and council there for the time " being, upon due conſideration had of the ſeveral and reſpective " caſes and merits of the perſons aforeſaid, to direct and appoint the " commiſſioners for execution of this act, to ſet out and allot, or " cauſe to be ſet out and allotted, unto any of the perſons aforeſaid, " or their heirs, ſo much of their forfeited lands, which ſhall remain " undiſpoſed after the ſeveral Proteſtant intereſts herein before pro- " vided for ſhall be ſatisfied, as the ſaid lord lieutenant or other " chief governor or governors and council ſhall think fit:"

And whereas Nicholas late lord viſcount Netterville of Lowth, Edmund late lord viſcount of Mount-garret, Sir Luke Bath, and ſeveral other perſons, their or any of their heirs or aſſigns, are and may be reſtorable after previous reprizals by force or colour of ſome clauſes in the ſaid acts, or one of them: and whereas by one other clauſe in the ſaid act of explanation, it is likewiſe enacted in the words following: " and becauſe ſe- " veral perſons have been decreed innocent, but nevertheleſs have " not been reſtored to the lands, which they claimed before the " commiſſioners for execution of the ſaid former act, but have " been left to the courſe of law for the recovery of their poſſeſ- " ſions, by trying their titles, grounded upon the validity of thoſe " evidences by which they pretended to claim: be it therefore " enacted by the authority aforeſaid, That all and every perſon

17 & 18 C. 2. 2. Sec. 97.

Sec. 193.

Sec. 70.

" and

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" and perſons who were defendant or defendants in the ſute " or claim, upon which ſuch decree was made as aforeſaid, and " thoſe claiming by, from, or under them, ſhall within three " months next after the ſitting of the commiſſioners for execu- " tion of this act, declare and make his and their election by " writing under his and their hands and ſeals, or under the hands " and ſeals of his and their attorneys or agents thereunto law- " fully authorized, whether they will immediately deliver up and " relinquiſh the poſſeſſion of the lands in controverſy unto the " King's Majeſty, and reſort to their proportionable ſatisfaction " out of other forfeited lands; which if they do elect, they are " to be admitted accordingly, and ſhall be ſatisfied his and their full " two third parts, and ſo much more as may be equivalent to his " and their buildings and improvements, and then ſhall part with " the ſaid lands, or whether they will rather abide the tryal at " law, which if they do elect, and the Iriſh claimants ſhould fail " to proſecute their title, or a verdict or judgment ſhall be given " againſt ſuch Iriſh claimant, or the perſon or perſons who ſhall " derive under ſuch Iriſh claimants; then ſhall ſuch adventurer " or ſoldier, or other perſon or perſons, his or their heirs, execu- " tors, or aſſigns, who ſhall be concerned in that ſute, for ever " and finally hold the ſaid lands in queſtion, and every part there- " of to him and his heirs; but in caſe verdict or judgment be " given for the title of the Iriſh claimant, or no ſuch election " be made as aforeſaid, the adventurer or ſoldier, or other per- " ſon, his or their heirs, executors, or aſſigns, ſhall be excluded " from demanding or having his two third parts, or any other ſa- " tisfaction, which otherwiſe he might have had in reſpect of ſuch " lands ſo recovered as aforeſaid.

" Nevertheleſs it is hereby declared, that no other title ſhall be " admitted to be alledged or given in evidence by ſuch Iriſh claim- " ants, or any claiming under them, but ſuch title as was alledged " in the claim, exhibited before the commiſſioners for the execu- " tion of the ſaid former act:

" Provided, That if any ſecret agreement be made between " the Iriſh claimant and the party concerned as aforeſaid directly " or indirectly, and the perſons ſo agreeing ſhall obtain any ſatis- " faction for or in reſpect of the land ſo agreed for, that then " and in ſuch caſe the party ſo offending ſhall forfeit double the " value of the land ſo obtained, a moiety to the King's Majeſty, " the other moiety to the informer, to be recovered in like man- " ner as other forfeitures are herein appointed to be recovered:" by both which clauſes there being no time limitted in them, either for the ſetting out the ſaid reprizals, or for bringing the title of ſuch Iriſh claimant to a tryal, the eſtates of ſuch adventurers,

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ſoldiers, forty nine officers, and Proteſtant purchaſers in Conaught and Clare, and all perſons claiming by, from, or under them, which were principally intended to be ſecured by the ſaid act, who have any houſes, lands, tenements, or hereditaments formerly the eſtate of a nominee, or of any innocent left to law, have hitherto been and ſtill are ſubject to be diſquieted, and drawn in queſtion by the perſons aforeſaid; which pretences being a great diſcouragement to improvements, and very prejudicial to the eſtates and poſſeſſions of the ſeveral Proteſtants, who have paſſed patents of any houſes, lands, tenements, or hereditaments, ſubject thereunto, ought in all reaſon and juſtice, after ſo long a tract of time as is elapſed ſince the paſſing the ſaid act, to be forecloſed and barred, and the ſeveral adventurers and ſoldiers, and other perſon or perſons, their reſpective heirs and aſſigns, who have any houſes, lands, tenements, or hereditaments, for which any of the ſaid nominees, or the ſaid other perſons reſtorable after previous reprizals, might have procured reprizals to be ſet up, or for which any innocent left to law might have brought his action as aforeſaid, be for the future eſtabliſhed in the quiet and peaceable poſſeſſion of their ſeveral houſes, lands, tenements, and hereditaments, which have been paſſed unto them or any of them by patent and certificate, purſuant to the ſaid act of explanation, freed and for ever diſcharged of and from all actions and ſutes, to be at any time hereafter brought by any perſon, who in his decree of innocency was left to law for the recovery of ſuch houſes, lands, tenements, and hereditaments, and alſo from all claim, right, or title that any nominee, or other the perſons, ſo reſtorable as aforeſaid after previous reprizals, can have or pretend to have by virtue of the ſaid act, to any houſes, lands, tenements, or hereditaments, on his giving or offering to give the patentee, his heirs or aſſigns, any other houſes, lands, tenements, or hereditaments in reprizal for the ſame; whereby the ſaid patentees, their heirs and aſſigns, and all and ſeveral their houſes, lands, tenements, and hereditaments, granted to them in purſuance of the ſaid act, ought for the future to be free from all ſuch demands of the ſaid nominees, or other the perſons ſo reſtorable as aforeſaid after previous reprizals, and their heirs and aſſigns, and from all ſutes to be brought by innocents left to law, and their heirs, as if no ſuch clauſe or clauſes had ever been inſerted for them or either of them in the ſaid explanatory act; by both which clauſes, the lands, tenements, and hereditaments granted by certificate and patent puſuant to the ſaid act, are diſcharged from all rights, titles, and intereſts, which were not decreed by the commiſſioners for executing the act, intituled, *An Act for the better execution of his Majeſty's gracious declaration for the*

the ſettlement of this kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſoldiers, and other his ſubjects there: and which were not particularly mentioned and reſerved in the letters patents, or were not the proper act of the party to whom ſuch letters patents were granted, or thoſe under whom he derived; yet to the great prejudice and diſturbance of the ſaid patentees, their heirs and aſſigns, ſeveral perſons not decreed innocent, or, if they have been decreed innocent, not having claimed any incumbrance or debt on the land ſo granted in patent, nor having any ſaving for the ſame in the letters patents granted thereof, nor having obtained any judgment or decree in the late court or pretended court for adjudication of claims, or in the court of Exchequer, or any the four courts ſitting at Dublin, before the twenty ſecond day of Auguſt one thouſand ſix hundred and ſixty three, have and do ſet up ſeveral ancient incumbrances, as well by judgment, ſtatute ſtaples, recognizances, and otherwiſe, not being the debts or incumbrances of the party to whom ſuch letters patents are granted, and commence and carry on ſeveral ſutes both in law and equity, or any other perſon whatſoever, other than the patentee, his heirs or aſſigns, on the ſaid lands, tenements, and hereditaments, in the poſſeſſion of the ſaid patentees, their heirs or aſſigns; by which unjuſt ſutes and actions, the patentees, their heirs and aſſigns, are put to very great trouble and charge: for the remedy of all which, and for the eſtabliſhing and confirming the ſaid patentees, their heirs and aſſigns for ever, in the quiet poſſeſſion of the ſeveral houſes, lands, tenements, and hereditaments, ſo granted them by letters patents purſuant to the ſaid act, againſt all pretences of reprizals to be made by them the ſaid nominees, or any of them, or their reſpective heirs; and againſt all future ſutes or actions, to be brought by any perſon or perſons, or their heirs, who was or were innocent and left to law as aforeſaid; and againſt all ſutes or actions in law or equity, grounded on any ſuch ancient dormient incumbrance, to which the party claiming the ſame, or thoſe under whom he claimed, were not decreed, or for which there is no ſaving in the letters patents of the party, whoſe lands are pretended to be liable to the ſame, and againſt all other titles and pretences whatſoever, whereby the right and poſſeſſion of the ſaid patentees, their heirs or aſſigns, to the ſaid lands, tenements, and hereditaments, ſo granted in letters patents purſuant to the ſaid act of explanation, may any way be called in queſtion; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the

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twenty ninth day of October, in the year one thouſand ſix hundred ninety eight, no perſon or perſons whatſoever having, holding, or enjoying any houſes, lands, tenements, or hereditaments, by virtue of any certificates and letters patents purſuant to the ſaid acts of ſettlement and explanation, or either of them, ſhall be liable to be removed from thence, or be obliged to relinquiſh his or their intereſt, eſtate, or poſſeſſion therein, on any reprizals given, or offered to be given by any perſon or perſons intituled or pretended to be intituled to the ſame, as a nominee, letteree, enſign-man, proviſoe-man, or by any other way or means whatſoever, by vertue of the ſaid acts of ſettlement and explanation, or either of them; but that every ſuch patentee, his heirs and aſſigns, ſhall and may for ever have, hold, and enjoy the ſaid lands, tenements, and hereditaments, according to the eſtate granted to him or them, freed and diſcharged from the ſeveral clauſes and proviſoes in the ſaid acts, or either of them, whereby he was made liable to accept of reprizals for the ſame, and ſhall have, hold, and enjoy the ſaid lands, tenements, and hereditaments for the future, confirmed unto him, his heirs and aſſigns, according to the eſtate limitted in the ſaid letters patents, againſt all and every perſon and perſons claiming the ſame as a nominee, letteree, enſign-man, proviſoe-man, or by any other ways or means as aforeſaid, to all intents and purpoſes, as any other patentee by vertue of the ſaid act does or ought to enjoy the lands, tenements, or hereditaments granted unto him; and alſo that no perſon or perſons decreed innocent, and by his decree left to law, who hath not hitherto brought any action for and actually recovered the houſes, lands, tenements, and hereditaments, for which he was ſo left to law, ſhall at any time after the paſſing this act be admitted to bring any action or ſute whatſoever for the recovery thereof, but ſhall be debarred from ſo doing, and his pretended right be for ever determined, annulled, and extinguiſhed.

After 29 Oct. 1698, no perſon enjoying lands, &c. by certificates and letters pat. purſuant to acts of ſettlement and explanation liable to be removed on repriſals by nominee, letteree, enſign-man, proviſo-man, &c.

but ſhall hold, diſcharged of the clauſes whereby he was liable to accept repriſals.

Said lands, &c. confirmed as any other patentee.

Perſons decreed innocent, and left to law, not having actually recovered, debarred from ſo doing.

II. And be it further enacted by the authority aforeſaid, for the effectual quieting and eſtabliſhing the eſtates and poſſeſſions of all and every perſon and perſons, claiming the ſame by or under any letters patents paſſed purſuant to or by virtue of the ſaid acts, or either of them; and for preventing their being ſued or impleaded on pretence of any ſuch ancient incumbrances, be they judgments, recognizances, ſtatutes merchant, or of the ſtaple, acknowledged or entred into on or before the twenty third day of October, in the year of our Lord one thouſand ſix hundred and forty one; which ſaid incumbrances are not decreed to the party claiming the ſame, nor to thoſe perſons he claims under by the ſaid commiſſioners for executing the act of ſettlement, nor ſaved in the letters patents granted of the lands, tenements, and hereditaments

taments pretended to be liable thereunto, that are not now depending, or if depending have not been proſecuted ſince the third day of October one thouſand ſix hundred and ninety one, that from and after the twenty ninth day of October one thouſand ſix hundred ninety eight, no action ſhall lye, nor ſute be admitted or proſecuted, or any ſuch antient incumbrance for the charging any lands, tenements, or hereditaments, ſo granted in patent as aforeſaid, in any court either in law or equity, but that the lands ſo granted in patent ſhall be diſcharged thereof, and that no proceſs *ſcire facias* or execution whatſoever ſhall ever iſſue at any time hereafter on any ſuch antient incumbrance or incumbrances, but that the ſame as to the patentee, his heirs and aſſigns, and the lands, tenements and hereditaments, ſo granted in patent to him, ſhall be taken and judged to be null and void to all intents and purpoſes whatſoever.

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Ancient incumbrances barred, and patentees diſcharged thereof.

III. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend in any wiſe to prejudice any debt, right, title, intereſt, or eſtate, of, in, out of, or unto any lands, tenements, and hereditaments contained or mentioned in any judgment or decree obtained by any proteſtant or proteſtants in the late court or pretended court for adjudication of claims, or in the court of exchequer, or any the four courts ſitting at Dublin, before the two and twentieth day of Auguſt one thouſand ſix hundred ſixty three, nor to any chiefry or other incumbrance, whereof or whereon any intereſt, ſum of money, or other conſideration hath been received ſince the paſſing the letters patents of ſuch forfeited lands, tenements, and hereditaments claimed to be liable thereunto.

Saving for rights, &c. of proteſtants by judgment or decree, and chiefries or incumbrances whereon intereſt, &c. received.

IV. And be it further enacted by the authority aforeſaid, That all and every letters patents at any time paſſed to any deficient adventurer or ſoldier reprizable by the ſaid acts, or either of them, his or their heirs or aſſigns, or to any perſon or perſons in truſt for ſuch deficient ſoldier or adventurer reſpectively, his heirs or aſſigns, of any lands, tenements, and hereditaments, which have been or were at any time before the paſſing ſuch letters patents ſeized, ſequeſtered, ſet out, or ſet apart on account of the ſaid rebellion, which began and broke forth in this kingdom on the twenty third of October one thouſand ſix hundred and forty one, or otherwiſe veſted in the late King Charles the firſt and Charles the ſecond, or either of them, by vertue of the ſaid acts or either of them, for, as, or toward a reprizal to ſuch deficient ſoldier or adventurer, ſuch letters patents and all and ſingular the lands, tenements, and hereditaments ſo paſſed in patent as a reprizal as aforeſaid, on the twenty ninth day of October one thouſand ſix hundred ninety eight, in the actual poſſeſſion of ſuch patentee or

Letters pat. to deficient adventurers or ſoldiers repriſable confirmed as to the lands paſſed in repriſe to them, and free from ſuch incumbrances, as if paſſed on certificates.

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patentees reſpectively, his or their heirs, or in truſt to and to the uſe of them or any of them, or the heirs or aſſigns of any of them, or in the poſſeſſion of any deriving by, from, or under him, them, or any of them, ſhall be and by vertue of this act are enacted to be and are confirmed as to ſuch lands ſo paſſed in reprize to ſuch perſon and perſons reſpectively, his and their reſpective heirs, executors, and adminiſtrators, leſſee and leſſees, according to the tenor of the ſaid ſeveral letters patents, and the reſpective eſtates, titles, terms, and intereſts of any perſon or perſons claiming or deriving any thing of, into, or out of the ſaid lands, tenements and hereditaments in ſuch ſeveral letters patents contained by vertue of ſuch letters patents, in as full, ample, and beneficial manner to all intents and purpoſes whatſoever, as if ſuch letters patents had been paſſed on certificates purſuant to and by vertue of the ſaid acts, or either of them, and freed and diſcharged from all ſuch incumbrances, and in ſuch manner as the lands, eſtates, and intereſts of adventurers and ſoldiers who have paſſed patent on certificates are by this act.

All reliefs due or to grow due to the King remitted; and all lands in this kingdom diſcharged thereof.

V. And for the future quieting and ſettling the eſtates and poſſeſſions of the adventurers, ſoldiers, forty nine officers, and all other proteſtants, whoſe eſtates are confirmed to them by the ſaid former acts of ſettlement and explanation, or by this preſent act; and whereas his Majeſty is graciouſly pleaſed to remit and diſcharge his loyal ſubjects of and from all reliefs, as well arrears now due and incurred, as alſo all growing and future payments thereof; be it enacted by the authority aforeſaid, That all reliefs already due to his Majeſty or any of his predeceſſors, or which hereafter may be claimed as due to his Majeſty, his heirs or ſucceſſors, ſhall be and are for ever remitted, forgiven, and diſcharged; and that all the ſeveral lands, tenements, and hereditaments in this kingdom, out of which any relief or reliefs, or ſum or ſums of money as reliefs have been, are, or hereafter may be claimed or demanded, as due to his Majeſty, his heirs or ſucceſſors, ſhall be, and by this act are, for ever diſcharged of the ſame: and that no perſon or perſons whatſoever ſhall or may be ſued, proceſſed, or otherwiſe impleaded in any court or courts whatſoever for any ſuch relief or reliefs, or any ſum or ſums of money due as reliefs to his Majeſty, his heirs or ſucceſſors, or for any arrears of the ſame.

Not to prejudice John Vernon's right to Clantaſſe, &c.

VI. Provided always, That this act, or any thing therein contained, ſhall not extend to prejudice the right, title, intereſt, claim, and demand in law or equity of John Vernon merchant, ſon, heir, and adminiſtrator of John Vernon eſquire, deceaſed, to the mannor, caſtle, towns, and lands of Clantaſſe, and Holy-Brookes, with the iſlands and appurtenances thereto belonging, lying

ying and being in the county of Dublin, and county of the city of Dublin; any thing in this preſent act contained to the contrary in any wiſe notwithſtanding. A. D. 1698.

VII. Saving and reſerving to his Majeſty, his heirs and ſucceſſors, all ſuch eſtate, right, title, and intereſt to all or any the houſes, lands, tenements, and hereditaments whatſoever, which have been paſſed in certificate and patent, by Randle late lord marqueſs of Antrim, his heirs or aſſigns, or any perſon deriving by, from, or under him or them, or any of them in the ſame manner, as if this act had never been made. Saving alſo unto his Majeſty his heirs, and ſucceſſors, all ſuch eſtate, right, title, and intereſt, either in law or equity, which his Majeſty had before paſſing this act to the lands of Iriſh-town, in the barony of Rathconra, and county of Weſtmeath. Saving the King's right to lands paſſed in certificate and patent by Randle late lord Antrim. Saving alſo the King's right to Iriſh-town in Weſtmeath.

VIII. Provided always, That this act or any thing therein contained ſhall not extend, or be conſtrued to extend, to confirm to Richard Coote, eſquire, or to the heirs or aſſigns of his father Charles late earl of Montrath, his or their eſtate or poſſeſſion of any mannors, lands, tenements, or hereditaments, which were the eſtate of Jenico late lord viſcount Gormanſtown, or of Nicholas late lord viſcount Gormanſtown, his father; or to debar, hinder, deprive or prejudice any perſon or perſons deriving by, from or under the ſaid late lords viſcounts, or any of them, from having and recovering all or any of the mannors, lands, tenements or hereditaments, that were held, poſſeſſed, or enjoyed by the ſaid late lord viſcount Gormanſtown in his life time, or to have or recover any rent-charge or incumbrance iſſuing thereout or charged thereupon, in ſuch manner and form as they might have done if this act had never been made; any thing in this act contained to the contrary notwithſtanding. Not to confirm the eſtate of Richard Coote, &c. in the lands of lord Gormanſtown.

CHAP. VIII.

An Act for the Preſervation of the Game, and the more eaſy Conviction of ſuch as ſhall deſtroy the ſame.

WHEREAS divers good and neceſſary laws have been heretofore made for the better preſervation of the game, and of the fiſh in the rivers of this kingdom; notwithſtanding which laws, or for want of the due execution thereof, the game of this kingdom, and fiſh in ſuch rivers, have been very much deſtroyed by many idle perſons, who afterwards betake themſelves to robberies, burglaries, or other like offences, and neglect their lawful imployments: for remedy whereof, and for the more effectual preſervation of the ſaid game and fiſh; be 19 G. 2. 14. *explained and amended.* 19 G. 2. 15. 11 G. 2. 12. 25 G. 2. 5. 29 G. 2. 8. 31 G 2. 9. 1 G. 3. 17. 4 *and* 5 *W. and M.* 23. *Eng.* 1 *J.* 1. 27. *Eng.* continued to 1787 by 21 & 22 G. 3. c. 40.

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be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every law and ſtatute now in force for the better preſervation of the game, and of the fiſh in the ſeveral rivers, loughs, and ponds of this kingdom, and every article and thing in them contained, and not herein and hereby altered or repealed, ſhall be duly put in execution, according to the tenor of the ſaid laws, and under the penalties therein contained, to be raiſed, levied and diſpoſed of as in and by the ſaid laws is directed.

All laws in force for preſervation of game, not hereby altered or repealed, ſhall be put in execution.

II. And be it further enacted by the authority aforeſaid, That from and after the twentieth day of October one thouſand ſix hundred ninety eight, no perſon or perſons whatſoever, not having an eſtate of free-hold in his own or his wife's right of the yearly value of forty pounds at leaſt or a perſonal eſtate of the value of one thouſand pounds at leaſt, over and above all debts by him owing, either for himſelf or as ſervant to any other, unleſs he be ſuch ſervant as hath no other way of livelyhood for his wages from ſuch perſon, have or keep any hound, beagle, grey-hound, or land-ſpaniel within this kingdom, other than and except whelps under the age of twelve months, which ſhall be kept at nurſe for perſons qualified within this act for the having the ſame, on pain that ſuch hound, beagle, grey-hound, or ſpaniel ſo kept contrary hereunto, ſhall or may be ſeized and taken away by any juſtice of the peace of the reſpective counties, where the ſame ſhall be ſo kept, or by any perſon or perſons authorized thereunto by warrant under the hand and ſeal of ſuch juſtice of the peace, or by any perſon having a freehold of the yearly value of forty pounds or upwards within ſuch county, which juſtice of the peace and freeholder reſpectively ſeizing ſuch hound, beagle, grey-hound, or ſpaniel, may detain the ſame to his and their own uſes, or otherwiſe diſpoſe of the ſame as they ſhall think fit; and all and every perſon or perſons ſo keeping ſuch hound, beagle, grey-hound, or ſpaniel contrary hereunto, and being thereof convict before ſome juſtice of the peace of the county, where ſuch offence ſhall be committed, on the oath of one or more credible witneſs or witneſſes, which oath ſuch juſtice of the peace is hereby authorized to adminiſter, ſhall for every ſuch offence forfeit and loſe the ſum of five pounds, to be levied by warrant of ſuch juſtice of the peace before whom ſuch offender ſhall be convict, by diſtreſs and ſale of the goods of ſuch offender, returning the overplus (if any be) to the party diſtrained on; the one moiety thereof to the informer who ſhall

Perſons not having free-hold of 40l. yearly, or perſonal eſtate of 1000l. above debts, not to keep any hound or ſpaniel, except whelps for perſons qualified,

on pain of being taken away by any juſtice, or perſon having 40l. *per annum* freehold in the county, who may detain or diſpoſe of the ſame.

Penalty on conviction 5l. levied by diſtreſs,

to the poor and proſecutor.

proſecute for the ſame; the other moiety to be iſſued for the uſe of the poor of the pariſh, where ſuch offence ſhall be committed.

Perſons qualified concealing the ſame for thoſe not qualified forfeit 40l.

III. And it is hereby further enacted, That no free-holder or other perſon qualified within the meaning of this act to have or keep any ſuch hound, beagle, grey-hound, or ſpaniel, ſhall ſhelter, conceal, or cover any ſuch hound, beagle, grey-hound, or ſpaniel for any perſon or perſons not qualified to have or keep the ſame as aforeſaid; on pain that ſuch free-holder, or other perſon offending contrary hereunto, ſhall for every ſuch offence forfeit and loſe the ſum of forty pounds; to be recovered by action of debt, bill, plaint, or information, in any of his Majeſty's courts of record in Dublin, in which no eſſoyn, protection, or wager of law ſhall be allowed, or more than one imparlance; the one moyety of ſuch forfeiture to be to the King's Majeſty, his heirs and ſucceſſors, the other moyety thereof to him or them that will ſue for the ſame.

to the King and proſecutor.

No papiſt or reputed papiſt to be employed as fowler for a Proteſtant, or uſe fire-arms under colour thereof.

IV. And whereas divers papiſts, not qualified by the laws and ſtatutes of this realm to have and keep guns or other fire-arms, do notwithſtanding uſe and keep the ſame, under pretence of being ſervants to ſome proteſtant or proteſtants in the nature of his or their fowler, or the like: for remedy thereof for the future be it enacted, That from and after the twentieth day of October one thouſand ſix hundred ninety eight, no papiſt or papiſts, or reputed papiſt or papiſts, ſhall be employed as fowler for any proteſtant or proteſtants, or under colour of pretence thereof ſhall have, keep, carry, or uſe any ſuch gun or fire-arms; and if any ſuch gun or other fire arms ſhall from and after the twentieth day of October one thouſand ſix hundred ninety eight be found in the poſſeſſion or keeping of any ſuch papiſt or papiſts, or reputed papiſt or papiſts, not qualified to have or keep the ſame by the laws now in force in this realm, the ſame ſhall or may be ſeized and taken by warrant of any juſtice of the peace of the county where the ſame ſhall be found, which warrant ſuch juſtice of the peace, on information to him given, is hereby required to grant; and ſuch gun or other fire-arms, as ſhall be ſo ſeized by vertue thereof, ſhall immediately after ſuch ſeizure belong unto or become the property of the perſon or perſons giving information touching the ſame, notwithſtanding that ſuch gun or other fire-arms, at the time when the ſame were ſo ſeized and taken in the poſſeſſion of ſuch papiſt or papiſts, or reputed papiſt or papiſts, did really belong unto or was the property of ſome proteſtant or proteſtants, or other perſon qualified to keep fire-arms.

Which may be ſeized by warrant of a juſtice, and belong to informer, notwithſtanding the property of a proteſtant.

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No perſon to ſhoot deer except on his own ground, or (being a proteſtant) the ground of his maſter.

V. And be it further enacted by the authority aforeſaid, That from and after the twentieth day of November one thouſand ſix hundred ninety eight, no perſon or perſons whatſoever ſhall ſhoot any deer at any ſeaſon of the year, except on his own ground only, or on the ground of ſuch perſon or perſons to whom the perſon ſhooting ſuch deer, being a proteſtant, ſhall be a menial family ſervant at the time of ſhooting the ſame, and that by warrant only under the hand of ſuch his maſter, and no otherwiſe, on pain that every perſon ſo offending contrary hereunto, being thereof convict before one or more juſtice or juſtices of the peace of the county, where ſuch offence ſhall be committed, on oath of one or more credible witneſſes, which oath ſuch juſtice or juſtices are hereby authorized to adminiſter, ſhall for every ſuch offence forfeit and loſe the ſum of five pounds; the one moiety thereof to be to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, the other moiety thereof to him or them who ſhall give information and make proof of ſuch offence before ſuch juſtice or juſtices of the peace; the ſame to be levied on the goods and chattles of the offender by warrant under the hand and ſeal of ſuch juſtice or juſtices, who are hereby required to grant ſuch warrant, and to pay or order payment of the money levied thereby accordingly.

Penalty on conviction 5l. to the poor and informer.

10 *Anne* 7. 7 *G.* 2. 8. 3 *W. and M.* 10 *Eng.*

None to hunt, courſe or kill male deer before the 10th of June, nor male fallow deer after Michaelmas, unleſs in his own ground.

VI. And be it further enacted by the authority aforeſaid, That no perſon or perſons whatſoever ſhall, in any year after the twentieth day of October one thouſand ſix hundred ninety eight, hunt, courſe, or kill any male deer before the tenth day of June in ſuch year, unleſs it be in the park or proper ground of the perſon hunting, courſing, or killing the ſame, nor ſhall courſe, hunt, or kill any male fallow deer after Michaelmas in any year, unleſs in the proper ground of the perſon hunting, courſing, or killing the ſame; on pain that all and every perſon and perſons offending contrary hereunto ſhall for every ſuch offence forfeit and loſe the ſum of five pounds; ſuch offence to be heard, examined, and determined by and before ſuch juſtices of the peace as aforeſaid, and the forfeiture for the ſame levied, divided, and paid to ſuch perſon or perſons, and in ſuch manner, as is herein before appointed for the other offence of ſhooting deer contrary to this act.

Penalty 5l. as aforeſaid.

None to burn any mountain, heath, &c. ſave between the 14th of June and ſecond of February.

4 and 5 *W. and M.* 23. *ſec.* 11. *Eng.*

VII. And for the preſervation of hares, grouſe, and other game being in mountains, hills, moors, bogs, or heaths in this kingdom: be it enacted by the authority aforeſaid, That no perſon or perſons ſhall after the twentieth day of October one thouſand ſix hundred ninety eight burn on any mountain, hill, moor, bog, heath, or waſte ground, any grig, ling, furs, heath, goſs, or fern, at any other ſeaſon of the year, ſave only be-

tween the fourteenth day of June and the ſecond day of February in every year; on pain that every perſon and perſons offending contrary hereunto, ſhall for every ſuch offence forfeit and loſe the ſum of five pounds; ſuch offence to be likewiſe heard, examined, and determined by and before ſuch juſtices of the peace as aforeſaid, and the forfeiture for the ſame levied, diſtributed, divided, and paid to ſuch perſon and perſons, and in ſuch manner as is herein before appointed for the ſaid other offence of ſhooting deer contrary to this act.

Penalty 5l. as before for ſhooting deer.

VIII. And it is hereby further enacted, That no perſon or perſons ſhall trace any hares or other game whatſoever in the ſnow, nor ſhall deſtroy the eggs or neſt of any partridge, pheaſant, grouſe, quail, duck or other wild fowl; nor ſhall any perſon or perſons, not having ſuch free-hold eſtate of forty pounds *per annum*, or perſonal eſtate to the value of one thouſand pounds as aforeſaid, ſhoot at, kill, take or deſtroy any hare or hares, partridge, pheaſant, grouſe, or quail, or any perſon whatſoever ſhoot at, take, kill, or deſtroy any houſe-dove or pidgeon, other than ſuch as ſhall be in or belonging unto the dove-houſe or pidgeon-houſe of the perſon or perſons ſo ſhooting at, killing, or deſtroying the ſame; on pain that every perſon offending contrary hereunto in any of the particulars aforeſaid, ſhall for every ſuch offence, being thereof convict before one or more juſtice or juſtices of the peace of the county, where the ſame ſhall be committed or the offender apprehended, forfeit and loſe the ſum of ten ſhillings; the one moiety thereof to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, to be paid to the church-wardens of ſuch pariſh for ſuch uſe; the other moiety to him or them, who ſhall inform and proſecute for the ſame as aforeſaid; or otherwiſe ſhall be publickly whipt at the diſcretion of the juſtice or juſtices of the peace, before whom he or they ſhall be convict.

None to trace game in the ſnow, or deſtroy eggs of wild fowl,

nor (unleſs qualified as before) kill or take hares, partridges, *&c.*

No perſon to ſhoot or take houſe pidgeons, ſave belonging to his own dove houſe.

Penalty 10s. Moiety to church wardens for the poor, the other to proſecutor; or to be whipped.

IX. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to reſtrain or hinder any tenant or tenants to any perſon or perſons, not reſtrained by this act from having and keeping any hound, beagle, ſpaniel, or grey-hound for the uſe of ſuch their landlord, ſo as ſuch tenant ſhall not hunt, courſe, or otherwiſe make uſe of ſuch hound, beagle, or grey-hound, but in the company and attendance of his landlord only.

Tenants may keep ſuch dogs for their landlord, and uſe them in his company.

X. And it is further enacted by the authority aforeſaid, That no perſon or perſons after the twentieth day of October one thouſand ſix hundred ninety eight, not having an eſtate of free-hold of the yearly value of one hundred pounds or upwards, or a perſonal eſtate of the value of one thouſand pounds, ſhall have

Perſons not having free-hold of 100l. yearly, or 1000l. perſonal eſtate, not to keep a ſetting dog.

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or keep any ſetting-dog or bitch, other than ſuch perſon or perſons as ſhall be allowed and licenſed thereunto by the juſtices of peace of the county where he ſhall live, at the general quarter-ſeſſions of the peace to be held for ſuch county next after Chriſtmas in every year, in order to the making and training up ſetting-dogs or bitches, and that under ſuch regulations only, and no otherwiſe, as ſhall be allowed and ſpecified in ſuch licenſe; and ſuch perſon or perſons, ſo to be licenſed, ſhall alſo and are hereby required, every two years during the continuance of ſuch their licence, to train up, teach, and make, ſome one or more hound or hounds to hunt on dry foot, and in default thereof, that ſuch licenſe ſo obtained ſhall be and become of no force and effect, and ſhall be reputed and deemed ſo to have been, from the granting the ſame; and the perſon or perſons, to whom the ſame was granted, ſhall be liable to the ſame penalties as if he or they had acted without ſuch licenſe.

unleſs licenſed at quarter ſeſſions after Chriſtmas to make ſuch; and muſt every two years during continuance of licence train up to hunt on dry foot, otherwiſe the licence of no force.

XI. And be it further enacted by the authority aforeſaid, That no perſon or perſons keeping or uſing a gun to fowl with, as ſervant to any perſon not reſtrained by this act from keeping the ſame, ſhall ſell, or diſpoſe of any fowl or game he or they ſhall kill to any perſon whatſoever, but ſhall bring all ſuch fowl or game to his or their maſter's houſe for the uſe of his or their ſaid maſter; on pain that every perſon, offending contrary hereunto, ſhall for every ſuch offence forfeit twenty ſhillings; the ſaid offence to be heard, examined, and determined by and before ſuch perſons, and the forfeiture levied, and diſtributed, and divided in ſuch manner, as is herein before appointed for the offence of ſhooting deer contrary to this act.

Servants to perſons qualified, not to ſell or diſpoſe of the game, but bring to maſter's houſe;

Penalty 20s. as before for ſhooting deer.

XII. And it is hereby further enacted, That no non-commiſſioned officer or private ſoldier belonging to any regiment, troop, or company, which is or ſhall be within this kingdom, ſhall, from and after the twentieth day of October one thouſand ſix hundred ninety eight, be permitted to go out of his garriſon or other quarters with any gun or other fire-arms, unleſs the ſame be on a march, or a commanded party, by command of the officer in chief then preſent and commanding in ſuch reſpective garriſon or quarters; on pain that ſuch non-commiſſioned officer and private ſoldier, being thereof convict before ſome one or more juſtice or juſtices of the peace for the county where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit and loſe the ſum of five ſhillings; to be paid to ſuch perſon or perſons, as ſhall give information of and make out ſuch offence before ſuch juſtice of the peace, and to be levied on the warrant of ſuch juſtice of the peace, by diſtreſs and ſale of goods of the perſon offending, rendring the overplus to the party diſtrained on; and

Non-commiſſioned officer or private ſoldier not to go out of quarters with fire-arms, unleſs by command, &c.

Penalty 5s. to informer,

levied by diſtreſs and ſale; if none, ten days impriſonment.

in

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in caſe no ſufficient diſtreſs ſhall be found, the perſon or perſons ſo offending ſhall by warrant of ſuch juſtice of the peace be ſent to the common gaol for ſuch county, there to be kept in cloſe cuſtody without bail or mainprize for ten days. And for the better putting this act in execution, the officer in chief in ſuch garriſon or quarters, to which ſuch offender ſhall then belong, ſhall on demand render the body of the offender into the hand of the juſtice of peace or other civil magiſtrate, to be dealt with according to law: and in caſe ſuch officer ſhall neglect or refuſe to deliver up ſuch offender, ſuch officer, being thereof convict before one or more juſtice or juſtices of the peace of the county where ſuch garriſon or quarters ſhall be, ſhall for ſuch offence forfeit and loſe the ſum of five pounds, to be levied on the warrant of ſuch juſtice or juſtices, by diſtreſs and ſale of the goods of ſuch officer, rendering the overplus (if any be) one moiety whereof ſhall be to the uſe of the poor of the pariſh, where ſuch offence ſhall be committed, the other moiety to him and them that ſhall inform of and make out ſuch offence before ſuch juſtice or juſtices.

Officer in chief to deliver up offender on demand.

Penalty 5l. by diſtreſs and ſale, to the poor and informer.

XIII. And it is hereby further enacted, That no commiſſioned officer of any regiment, troop, or company within this kingdom, or any perſon imployed by or under him, ſhall ſhoot or courſe with greyhounds any deer, hare, or other game whatſoever, except on his own ground, or otherwiſe by the free permiſſion and leave firſt had and obtained of the owner of the ground or ſoil, where he or they ſhall ſo hunt or courſe, on pain of forfeiture by ſuch commiſſioned officer of the ſum of five pounds for every ſuch offence; which offences ſhall alſo be heard and determined before one or more juſtice or juſtices of the peace for the county where the ſame ſhall be committed; and the ſaid forfeiture to be levied, diſtributed, and divided in the ſame manner as the ſaid forfeiture for ſhooting of deer contrary to this act is herein before appointed to be levied, diſtributed, and divided.

30 *G.* 2. 6. *ſec.* 47. *Eng.* No commiſſioned officer to ſhoot or courſe deer or other game, unleſs on his own ground, or with owner's leave.

6 *Anne* 14. Penalty 5l. as before for ſhooting deer.

XIV. And for the more eaſy diſcovery and conviction of ſuch offenders, as by this or any other laws of force in this kingdom are prohibited to kill or deſtroy the game; be it enacted by the authority aforeſaid, That every conſtable, headborough, and tything man, or other perſon whatſoever, being thereunto authorized by warrant of one or more juſtice or juſtices of the peace, under his or their hands and ſeals, ſhall have full power and authority, and is hereby required, to enter into and ſearch in ſuch manner, and with ſuch power, as in caſe where goods are ſtolen or ſuſpected to be ſtolen, the houſe or houſes, out-houſes, or other places belonging to ſuch houſes of ſuſpected perſons not

10 *Anne* 7. Conſtables, *&c.* by warrant may (as in caſe of ſtolen goods) enter and ſearch houſes of ſuſpected perſons,

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qualified as aforeſaid; and in caſe any veniſon, hare, partridge, pheaſant, pidgeon, fiſh, fowl, or other game, ſhall upon ſuch ſearch or otherwiſe be found, the offender ſhall be carried before ſome juſtice of the peace of the ſame county; and if ſuch perſon do not give a good account how he came by ſuch veniſon, hare, partridge, pheaſant, pidgeon, fiſh, fowl, or other game, as ſhall ſatisfie the ſaid juſtice that the ſame was not taken, killed, or gotten contrary to this act; or elſe ſhall not in ſome convenient time, to be ſet by the ſaid juſtice, not exceeding ſix days, produce the party, of whom he bought the ſame, or ſome other credible perſon, to depoſe upon oath ſuch ſale thereof, that then ſuch perſon not giving ſuch good account, nor producing ſuch witneſs as aforeſaid, ſhall be convicted by the ſaid juſtice or juſtices of ſuch offence; and upon ſuch conviction ſhall forfeit for every hare, partridge, pheaſant, pidgeon, fiſh, fowl, or other game, or veniſon, any ſum not under five, and not exceeding the ſum of twenty ſhillings, to be aſcertained by the ſaid juſtice; one moyety thereof to be paid to the informer, and the other moyety to the poor of the pariſh where ſuch offender ſhall live; the ſaid forfeiture to be levied by diſtreſs and ſale of the offenders goods, by warrant under the hand and ſeal of the juſtice, before whom the offender ſhall be convicted, rendring the overplus (if any be) and for want of diſtreſs, the offender and offenders ſhall be committed to the houſe of correction for any time not exceeding one month, and not leſs than ten days, there to be whipped and kept to hard labour: and in caſe any perſon or perſons, ſo produced and charged with the ſaid offence, ſhall not before the ſame juſtice give ſuch evidence of his innocence as aforeſaid, he ſhall be convicted thereof in the ſame manner as the perſon or perſons, firſt charged therewith, is hereby directed to be; and ſo from perſon to perſons till the firſt offender ſhall be diſcovered.

and if game found, carry offender before a juſtice, where if good account not given, or in ſix days vendor thereof not produced, or the ſale not proved, he ſhall be convicted.

Penalty for every hare, &c. not under 5s. nor above 20s.

by diſtreſs, &c.

in default thereof, to houſe of correction.

Perſons charged and not giving evidence of innocence, convicted, and ſo till firſt offender diſcovered.

XV. And be it further enacted by the authority aforeſaid, That all lords of mannors or other royalties, not under the degree of an eſquire, may from henceforth, by writing under their hands and ſeals, authorize one or more game-keeper or game-keepers within their reſpective mannors or royalties; who, being thereunto ſo authorized, may take and ſeize all ſuch guns, hounds, grey-hounds, beagles, land-ſpaniels, or ſetting-dogs, as within the precincts of ſuch reſpective mannors or royalties ſhall be uſed by ſuch perſon or perſons who, by this act are prohibited to keep or uſe the ſame; and moreover, that the ſaid game-keeper or game-keepers, or any other perſon or perſons, being thereunto authorized by warrant under the hand and ſeal of any juſtice of the peace of the ſame county, may in the day-time ſearch the

22 and 23 *C.* 2, 25 *Eng.* Lords of mannors or royalties (not under an eſquire) may under hand & ſeal authoriſe game keepers, who may ſeiſe guns and dogs of thoſe prohibited, and by warrant may in day time ſearch their houſes on good ground of ſuſpicion,

houſes, out-houſes, or other places of any ſuch perſon or perſons by this act prohibited to keep or uſe the ſame, as upon good ground ſhall be ſuſpected to have or keep in his or their cuſtody any guns, hounds, grey-hounds, beagles, land-ſpaniels, or ſetting-dogs, and the ſame, and every or any of them to ſeize, detain, and keep to and for the uſe of the lord of the mannor or royalty where the ſame ſhall be ſo found or taken.

and detain for lord's uſe:

XVI. And to the end all keepers of parks and game-keepers, duly authorized as aforeſaid, may be indempnified in the execution of their office; be it enacted, That all lords of mannors or other royalties, not under the degree of an eſquire, or any perſon or perſons, ſo authorized by them as aforeſaid, ſhall and may within their reſpective mannors or royalties oppoſe and reſiſt ſuch offenders in killing or deſtroying the game contrary to this act in the night-time, in the ſame manner, and be equally indempnified for ſo doing, as if ſuch fact had been committed within any ancient chaſe, park, or warren whatſoever.

And may oppoſe offenders in the night, as if in antient chace, park or warren.

XVII. And to the end that no perſons, convicted of any of the offences as aforeſaid, may eſcape puniſhment by their flight or other removal after ſuch conviction; be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for, and hereby authority is given, after ſuch conviction as aforeſaid, to the conſtable or other officer or perſon or perſons proſecuting, to detain in cuſtody ſuch offender or offenders (in caſe he or they ſhall not preſently pay the moneys due by ſuch conviction) during ſuch reaſonable time as a return may be conveniently had and made to the warrant for the diſtreſs upon ſuch conviction, ſo as ſuch detainer do not exceed two days: provided that where any offender ſhall be puniſhed by force of this act, that he ſhall not be proſecuted upon, nor incur the penalty of any other law or ſtatute for the ſame offence.

5 W. & M. 10 *Eng.*

After conviction offender may be detained two days, till return to the warrant for diſtreſs.

Offenders puniſhed on this, not to be proſecuted on any other act.

XVIII. Provided alſo, and be it enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall be ſued or proſecuted for or by reaſon of any matter or thing, which he or they ſhall do in purſuance of this act, it ſhall and may be lawful to and for the perſon or perſons ſo ſued or proſecuted to plead the general iſſue, and give the ſpecial matter in evidence; and if the verdict ſhall paſs with the defendant or defendants in ſuch action, or the plaintiff or plaintiffs become non-ſuit, or ſuffer any diſcontinuance thereof, that in ſuch caſe ſuch defendant or defendants ſhall have his or their treble coſts which he or they ſhall have ſuſtained in ſuch action or ſute; for which the ſaid defendant or defendants ſhall have the like remedy as in other caſes, where coſts by the laws of this realm are given to the defendants.

Perſons ſued for acting, may plead general-iſſue, and recover treble coſts.

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Tradeſmen and apprentices hunting, &c. (unleſs with the maſter qualified) liable to penalties of thoſe on whom game found, and to *treſpaſs*, where plaintiff ſhall have full coſts and damages.

XIX. And whereas great miſchiefs do enſue by inferior tradeſmen, apprentices, and other diſſolute perſons neglecting their trades and employments, who follow hunting, fiſhing, and other game, to the ruin of themſelves, and damage of their neighbours: for remedy whereof be it enacted by the authority aforeſaid, That if any ſuch perſon as aforeſaid, ſhall preſume to hunt, hawk, fiſh, or fowl, unleſs in company with the maſter of ſuch apprentice duly qualified by law, ſuch perſon or perſons ſhall be liable to the ſame penalties as the perſons on whom ſuch game ſhall be found as aforeſaid are liable unto by virtue of this act; and ſhall or may alſo be ſued and proſecuted for their wilful treſpaſs in ſuch their coming on any perſon's land; and if found guilty thereof, the plaintiff ſhall not only recover his damages, but his full coſts of ſute; any former law to the contrary notwithſtanding.

Dogs may be kept and uſed in a manner, with conſent of the lord under hand and ſeal.

XX. Provided always, That nothing herein contained ſhall reſtrain any perſon within any mannor from keeping hounds, beagles, grey-hounds, ſpaniels, or ſetting-dogs within the ſame, to hunt, courſe, ſet with, or otherwiſe uſe in ſuch mannor only, ſo as the ſame be allowed of and kept with the conſent and free permiſſion of the lord of the mannor for the time being, in which the ſame ſhall be ſo kept, appearing by licenſe under the hand and ſeal of ſuch lord of the mannor.

CHAP. IX.

An Act for regulating the Fees of the Marſhal of the Four-courts, and for ſettling the Rates of Lodgings, and Redreſs of other Abuſes in the ſaid Marſhalſey, and in the Marſhalſey of the City of Dublin.

Oppreſſion and hardſhips ſuffered by priſoners in marſhalſea of Four-courts.

WHEREAS there hath been hitherto no certain or eſtabliſhed rule what fees are due and ought of right to be paid by priſoners committed to the marſhalſey of the Four-courts to the ſaid marſhal, by reaſon whereof the priſoners committed to the ſaid marſhalſey have been many times very much oppreſſed, and compelled to pay ſuch fees as the marſhal hath thought fit to demand: and whereas the priſoners in the ſaid marſhalſey have lain under great hardſhips by reaſon of the great inconveniencies of their lodgings, and the exceſſive rates they have been charged therewith for the ſame: for remedy of all which, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by authority of the ſame, That from and after the twentieth day

day of October one thouſand ſix hundred ninety eight, the marſhal of the four-courts in Dublin ſhall take, demand, and receive the ſeveral fees following, and no more, *viz.* that every priſoner ſhall pay to the marſhal for the committal fee ſix ſhillings and eight pence, and to the turn-key ſix pence; for a diſcharge or diſmiſſion fee to the marſhal ſix ſhillings and eight pence; upon every *habeas corpus* directed to the marſhal the perſon in cuſtody, who obtained or procured the ſame, ſhall pay to the ſaid marſhal two ſhillings and ſix pence: that every priſoner brought into court by *habeas corpus ad ſatisfaciendum*, and thereupon committed to the marſhal in execution, ſhall pay to the ſaid marſhal the fees following, *viz.* ſix pence in the pound, where the execution is or ſhall be for any ſum of or under one hundred pounds; and where the execution is or ſhall be for more than one hundred pounds, then the ſaid perſon or perſons, ſo committed in execution, ſhall pay to the ſaid marſhal for each pound, over and above the ſum of one hundred pounds, three pence *per* pound, and no more.

Fees to the marſhal: 6s. and 8d. on committal, and 6d. to turnkey. 6s. and 8d. for diſcharge. 2s. and 6d. for *hab. corpus*. 6d. *per* pound where in execution for 100l. or under: 3d. *per* pound above that.

II. Provided alſo, That no perſon or perſons, ſo committed in execution, ſhall be charged with or liable to pay any more of the ſaid poundage or execution fees, than for the debt or damages and coſts, as he, ſhe, or they really owe, and which the plaintiff or plaintiffs on ſuch execution really and *bona fide* do or ſhall receive.

Perſons in execution not to pay more of ſaid fees than for the debt, &c. really due.

III. Provided alſo, That if any perſon be or ſhall be taken by the ſheriff of any county, and brought up in cuſtody, and committed to the marſhal of the Four-courts in execution, that the ſaid poundage or execution fees, payable as aforeſaid, ſhall be paid to the ſaid ſheriff that executed the writ, and not to the marſhal.

Perſon taken by a ſheriff, and committed to marſhal, execution fees paid to ſheriff.

IV. And it is hereby alſo enacted, That upon the pleading of any pardon at the bar for any perſon in the marſhal's cuſtody, the ſaid perſon, for whom ſuch pardon is pleaded, ſhall pay to the ſaid marſhal for his fee thereon ſeven ſhillings, and no more.

On pleading pardon at the bar, marſhal's fee 7s.

V. And be it further enacted by the authority aforeſaid, That from and after the twentieth day of October one thouſand ſix hundred ninety eight, the following rules ſhall be obſerved by the ſaid marſhal of the Four-courts in the ſaid marſhalſey; and that the ſaid marſhal ſhall not charge any priſoner committed to his cuſtody with other or greater rates for lodging than is hereafter by this act limitted and appointed, *viz.* every perſon being priſoner in the ſaid marſhalſey, ſhall have free liberty to bring in, or cauſe to be brought in, his own bed, meat, and drink, and cloathing, at ſeaſonable hours, without being

Rules obſerved by the marſhal, 2 G. 2. 22. *Eng.*

Priſoner may bring in his own bed, meat, &c. at ſeaſonable hours,

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ing hindred by the marſhal, his deputy, or any employed under him; and that no room in the ſaid marſhalſey ſhall contain more than four beds, and that there ſhall be a chimney in every ſuch room: and that in every ſuch room that contains four or three beds, each perſon, that brings in his own bed, ſhall pay for the ſtanding of the ſaid bed fifteen pence *per* week, and no more; and if two priſoners agree to lye together, and find their own bed, then they ſhall pay twelve pence each of them for the ſtanding of the ſaid bed, and no more: and that no more than two perſons ſhall lye in each bed; and alſo that the ſaid beds ſhall ſtand at leaſt four foot aſunder at the ſides, but may join together at the heads or feet.

not more than four beds in a room, a chimney in each.

Two may find a bed together for 12d. each.

no more than two in each bed.

Four feet aſunder at the ſides.

VI. And it is hereby further enacted by the authority aforeſaid, That in caſe the marſhal ſhall provide and find the priſoner or priſoners a bed or beds with neceſſaries in ſuch rooms, then each priſoner ſhall pay the ſaid marſhal two ſhillings and ſix pence *per* week for the ſaid bed, ſuch priſoner having a bed to himſelf; but in caſe two priſoners ſhall agree to lye together in one bed, then they ſhall pay each of them two ſhillings *per* week for the ſaid bed.

2s. and 6d. *per* week where marſhal finds bed with neceſſaries.

where two lie together 2s. each.

VII. And be it further enacted, That every priſoner lying in the common-hall ſhall pay one penny *per* night to the marſhal, and no more, for his ſaid lodging.

1 penny *per* night in the common hall.

VIII. Provided alſo, That if any priſoner ſhall deſire to have a chamber and bed to himſelf, that then he ſhall or may agree with the ſaid marſhal at ſuch rates as he can for the ſaid lodging and bed.

Priſoner may agree for a chamber to himſelf.

IX. And be it further enacted by the authority aforeſaid, That in caſe the ſaid marſhal of the Four-courts, or his deputy, or other perſon or perſons employed under him, ſhall at any time after the twentieth day of October one thouſand ſix hundred ninety eight, demand, exact, take, or receive, from any perſon committed unto his cuſtody, any other or greater fees, reward, or gratuity, then are appointed and limitted by this act; or ſhall not duly obſerve ſuch rules for the eaſe and conveniency of his priſoners as are by this act perſcribed; or ſhall exact any other or greater rates for the lodging of priſoners, than is by this act allowed and appointed, that then the ſaid marſhal for the time being, or his deputy, which of them ſhall offend herein, ſhall forfeit for the firſt offence committed againſt this act the ſum of twenty pounds; the one half thereof to the King's Majeſty, his heirs and ſucceſſors, the other moiety to the party aggrieved, who may ſue for and recover the ſame by any action, ſute, bill, or plaint, in any of his Majeſty's courts of record at Dublin, wherein no eſſoyne, protection, or wager of law ſhall

Penalty for exacting higher fees or rates, or not obſerving ſaid rules,

firſt offence 20l. to the King and party aggrieved,

be allowed, nor any more than one imparlance; and for the ſecond offence to forfeit the ſum of forty pounds, to be recovered by the party aggrieved in manner as aforeſaid; the one moiety to the King's Majeſty, his heirs and ſucceſſors, the other moiety to the ſaid party; and for the third offence the ſaid marſhal ſhall forfeit his office, and be from thenceforth incapable of holding or exerciſing the ſaid office of marſhal of the Four-courts, or of being deputy marſhal of the ſame for ever after; any patent, charter, uſage, or cuſtom to the contrary notwithſtanding.

ſecond offence 40l. third forfeiture of office.

X. And be it further enacted by the authority aforeſaid, That for the future the marſhalſey of the Four-courts ſhall be kept ſeparate and diſtinct (as formerly it hath been) in a houſe by itſelf, under the care of the marſhal of the Four-courts, appointed or to be appointed by his Majeſty's letters patents under the broad ſeal of this kingdom, or the chief governor or governors of this kingdom for the time being.

Marſhalſea of Four Courts to be kept ſeparate as formerly:

Marſhal appointed by letters patent.

XI. And be it further enacted by the authority aforeſaid, That the marſhalſey of the city of Dublin ſhall be likewiſe kept ſeparate and diſtinct in another houſe by itſelf, under the care of ſuch perſon or perſons as ſhall be duly authorized and appointed to keep the ſame.

Marſhalſea of the city alſo ſeparate.

XII. And for the better regulating and aſcertaining the fees of the marſhal of the city of Dublin for the time being, and the lodgings in the ſaid marſhalſey of the ſaid city; be it further enacted by the authority aforeſaid, That from and after the firſt day of January, which will be in the year of our Lord God one thouſand ſix hundred and ninety eight, the following fees, and no other, ſhall be taken by the marſhal of the city of Dublin for the time being, *viz.* for every priſoner, committed to his cuſtody upon an action out of the Tholſel court, two ſhillings ſix pence; for every priſoner, committed by the the lord mayor for petty debts, one ſhilling; for every writ of *venire facias* or *fieri facias*, iſſued out of the city court to the ſaid marſhal, one ſhilling and ſix pence; for all executions out of the city court, directed to the ſaid marſhal, ſix pence in the pound for every ſum of or under one hundred pounds; and where the execution is for more than one hundred pounds, then to receive only three pence *per* pound for each pound over and above the ſum of one hundred pounds; and in ſuch manner, and under ſuch reſtrictions, as are appointed by this act for the marſhal of the Four-courts.

Fees to marſhal of the city.

on Tholſel action 2s. and 6d.

for petty debts by lord mayor 1s.

for *venire facias* or *fieri facias*, 1s. and 6d.

on execution for 100l. or under, 6d. *per* pound, 3d. above that.

under ſuch reſtrictions as before.

XIII. And be it further enacted by the authority aforeſaid, That the ſaid marſhal of the city of Dublin ſhall obſerve and keep the ſame rules, and take the ſame rates, and no greater or other rates, for the lodging and accommodation of priſoners, in ſuch ſort, and in ſuch manner as is likewiſe appointed

Same rules obſerved and rates taken, and under ſame penalty, as by marſhal of four courts.

A. D. 1698.

pointed by this act for the marſhal of the Four-courts: and in caſe the marſhal of the city of Dublin for the time being, his deputy, or any other perſon or perſons employed under him, ſhall take, receive, or exact any other or greater fees than as aforeſaid, or any gratuity or reward from any perſon whatſoever committed as a priſoner to his cuſtody, or ſhall not obſerve and perform the ſaid rules and rates in every reſpect as is appointed by this act to be obſerved by the marſhal of the Four-courts in relation to the accommodation and lodgings of his priſoners; that then the ſaid marſhal of the city of Dublin for the time being, or his deputy, which of them ſhall offend herein, ſhall forfeit for the firſt offence the ſum of twenty pounds, and for the ſecond offence the ſum of forty pounds to be recovered by the parties aggrieved, in ſuch manner as the other penalties in this act mentioned are appointed; and for the third offence the ſaid marſhal ſhall forfeit his office, and ſhall be from thenceforth incapable of holding or exerciſing the ſaid office of marſhal, or being deputy marſhal for ever after.

CHAP. X.

An Act for traverſing Inquiſitions.

2 and 3 *E.* 6. 8. *Eng.*

No remedy for chattel or cuſtomary intereſts not found in inquiſitions or offices, during the King's intereſt,

WHEREAS ſeveral perſons holding or that have holden lands, tenements, or hereditaments in this kingdom, ſome for term of years, and ſome by copy of court-roll, have been expulſed and put out of their ſeveral terms and holdings, by reaſon of inquiſitions or offices found before eſcheators, commiſſioners, or others, upon attainders of treaſon, felony, or otherwiſe, becauſe that ſuch leaſes for term of years or intereſt by copy of court-roll of ſuch perſons have not been found in ſuch inquiſitions or offices, after which expulſion or putting out the ſaid perſons have hitherto been without remedy for obtaining of the ſaid terms and holds during the King's poſſeſſion therein, and can have no *traverſe*, *monſtrans de droit* or other remedy for the ſame, their ſaid intereſt being but a chattle in the law, or cuſtomry hold or farm, and no eſtate of freehold: and alſo where any perſon or perſons that hath any rent, common, office, fee, or other profit *apprendre* of any eſtate of freehold, or for years, or otherwiſe, out of any of the lands, tenements, or hereditaments, contained in ſuch offices or inquiſitions where the King, his heirs or ſucceſſors, is or ſhall be intituled to ſuch lands, tenements, or hereditaments, the ſaid rent, common, office, fee, or profit *apprendre*, not found in the ſame office or offices, ſuch perſons are in like manner without remedy to obtain or have

nor for rent &c. without exceſſive charges.

the

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the ſaid rent, common, office, fee, or profit *apprendre*, by any traverſe, or other ſpeedy mean or way, without great and exceſſive charges during the King's intereſt therein, by force of ſuch inquiſition or office: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That where any ſuch office or inquiſition is or ſhall be found, omitting ſuch titles, intereſt, or matters as aforeſaid, that in all and every ſuch caſes, every leaſſee, tenant for term of years, or copyholder, and every ſuch perſon or perſons, who have or ſhall have any intereſt to any rent, common, office, fee, or other profit *apprendre*, for term of years, life, or otherwiſe, out of any of the lands, tenements, or hereditaments contained in ſuch office or inquiſition, where the King, his heirs or ſucceſſors, is or ſhall be intituled as aforeſaid to any ſuch lands, tenements, or hereditaments, ſhall have, hold, enjoy and perceive, all and every their leaſes and intereſts for term of years, or by copy of court-roll, rents, commons, office, fees, and profits *apprendre*, in ſuch manner, form, ſtate, and condition, as they and every of them ſhould or might have done, in caſe there had been no ſuch office or inquiſition found, and as they ſhould or lawfully might or ought to have done in caſe ſuch leaſe, intereſt by copy of court-roll, rent, common, office, fee, or profit *apprendre*, had been found in ſuch office or inquiſition; any law, cuſtom, or uſage to the contrary, heretofore uſed in ſuch caſes, in any wiſe notwithſtanding.

Such intereſt omitted ſhall be enjoyed by leſſees, *&c.* as if no ſuch office or inquiſition, and as if found therein.

II. And be it further enacted by the authority aforeſaid, That where it is or ſhall be hereafter untruly found by office or inquiſition, that any perſon or perſons attainted, or that ſhall be attainted, of treaſon, felony, or premunire, is or ſhall be ſeized of any lands, tenements, or hereditaments, at the time of ſuch treaſon, felony, or offence committed or done, or any time after, whereunto any other perſon or perſons hath or ſhall have any juſt title or intereſt of any eſtate of freehold; that then and in ſuch caſe every perſon and perſons grieved thereby ſhall have his or their traverſe, or *monſtrans de droit* to the ſame, without being driven to any petition of right, and like remedy and reſtitution upon his or their title found or judged for him or them therein, as hath been accuſtomed and uſed in the caſes of traverſe, although the King's Majeſty, his heirs or ſucceſſors, be or ſhall be in ſuch caſe intituled to any ſuch lands, tenements, or hereditaments, by double matter of record; any law, cuſtom, or uſage to the contrary in any wiſe notwithſtanding.

Traverſe or *monſtrans de droit*, to office or inquiſition untruly found without being driven to petition of right;

and reſtitution, though the King intitled by double matter of record.

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not to extend to office or inquiſition before 29 Sept. 1698.

III. Provided always, and be it enacted by the authority aforeſaid, That this act, or any thing therein contained, ſhall not in any wiſe extend to any inquiſition or office taken or found, or which ſhall be taken or found, before the twenty ninth day of September in the year of our Lord one thouſand ſix hundred and ninety eight, nor to hinder, prejudice, or take away the titles, intereſt, or poſſeſſion of our ſovereign Lord the King, or of any other perſon or perſons, grown or come by vertue, mean, or occaſion of any inquiſition or office taken or found before the ſame day; but that as well our ſaid ſovereign Lord the King, as all other perſon or perſons having any title, intereſt, or poſſeſſion, by vertue, mean, or occaſion of any inquiſition or office found before the twenty ninth day of September one thouſand ſix hundred ninety eight, ſhall and may have, hold, and enjoy the ſame, in like manner and form as though this act had never been made; any thing in the ſame contained to the contrary in any wiſe notwithſtanding.

On traverſe *ſcire facias* ſhall be ſued againſt King's patentees, &c. who ſhall have like pleas and advantage as before on petition,

IV. Provided alſo, and be it enacted by the authority aforeſaid, That in all ſuch caſes, where any perſon or perſons ſhall be enabled by this act to have any traverſe, and ſhall purſue his or their traverſe, that then he or they, that ſhall purſue ſuch traverſe, ſhall ſue on writ or ſeveral writs of *ſcire facias* (as the caſe ſhall require) againſt all and ſingular ſuch perſon or perſons as ſhall have intereſt by the King or by his patent or patents, in like manner and form as is requiſite upon traverſes or petitions heretofore purſued; and that in every ſuch *ſcire facias* the patentees, or other defendants, ſhall have like pleas and advantage as they had in any *ſcire facias* before this time awarded againſt any patentee in any caſe of petition: and alſo that upon every traverſe that ſhall be purſued by virtue or mean of this act, in ſuch caſe, as the party or parties, that ſhall purſue any ſuch traverſe, ſhould by the order of the common laws of this realm have been put to ſue by petition to the King, there ſhall be two writs of ſearch granted in manner and form as like writs have been granted upon petition made to the King.

: and two writs of ſearch granted, as on petition to the King,

After judgment on traverſe, the King's former title appearing by record ſaved.

V. Provided alſo, and it is further enacted by the authority aforeſaid, That if after any judgment ſhall be given upon any traverſe, that ſhall be tendered or ſued by virtue or mean of this act, it ſhall appear by any matter of record, that the King hath any other former title, right, or intereſt, to the mannors, lands, tenements, or other hereditaments mentioned in the ſame traverſe, that the ſame title, right and intereſt, ſhall be ſaved to the King; the ſaid traverſe and judgment thereupon given in any wiſe notwithſtanding.

CHAP.

CHAP. XI.

A. D. 1698.

An Act againſt deceitful, diſorderly, and exceſſive Gaming.

16 C. 2. 7. *Eng.* 9 *Anne* 14. *Eng.* 18 G. 2. 34. *Eng.* 6 *Anne* 17. 11 *Anne* 6. 13 G. 2. 8.

Miſchiefs by immoderate uſe of gaming.

WHEREAS all lawful games and exerciſes ſhould not be otherwiſe uſed than as innocent and moderate recreations, and not as conſtant trades and callings to gain a living and make unlawful advantages thereby: and whereas by the immoderate uſe of them many miſchiefs and inconveniencies do ariſe, and are daily found to the maintaining and encouraging of ſundry idle, looſe, and diſorderly perſons in their diſhoneſt, lewd, and diſſolute courſe of life, and to the circumventing, deceiving, couzening, and debauching many of the younger ſort, both of the nobility and gentry and others, to the loſs of their time, and the utter ruin of their eſtates and fortunes, and withdrawing them from noble and laudable imployments and exerciſes: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and the commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons of any degree of quality whatſoever, at any time or times after the twenty fifth day of December, which ſhall be in the year of our Lord God one thouſand ſix hundred ninety eight, do or ſhall by any fraud, ſhift, couzenage, circumvention, deceit or unlawful device, or ill practice whatſoever, in playing at, or with cards, dice, tables, tennis, bowls, kittles, ſhovel-board, or in or by cock-fighting, horſe-races, dog-matches, or foot-races, or other paſtimes, game or games whatſoever; or in or by bearing a ſhare or part in the ſtakes, wagers, or adventures; or in or by betting on the ſides or hands of ſuch as do or ſhall play at, ride, or run as aforeſaid, win, obtain, or acquire to him or themſelves, or to any other or others, any ſum or ſums of money, or other valuable thing or things whatſoever; that then every perſon and perſons ſo offending as aforeſaid ſhall *ipſo facto* forfeit and loſe treble the ſum or value of money, or other thing or things ſo won, gained, obtained, or acquired; the one moiety thereof to our ſovereign lord the King, his heirs and ſucceſſors, and the other moiety thereof unto the perſon or perſons grieved, or who ſhall loſe the money or other thing or things ſo gained; ſo as every ſuch loſer and perſon grieved in that behalf do or ſhall proſecute and ſue for the ſame within ſix calendar months next after ſuch plea; and in default of ſuch proſecution, the ſame other moiety to ſuch other perſon or perſons as ſhall or will proſecute or ſue for the ſame within one year next after the ſaid ſix months are expired; and that the ſaid for-

Whoever by fraud or any ill practice in any game or paſtime, or by ſharing the ſtakes or wagers, or by betting, wins any ſum, &c. ſhall forfeit treble. 11 *Anne* 5.

half to the King,

half to loſer ſuing in ſix months,

or to any other ſuing in a year after ſaid 6 months.

A. D. 1698. Chap. 11.

feitures ſhall or may be ſued for or recovered by action of debt, bill, plaint, or information in any of his Majeſty's courts at Dublin, wherein no eſſoyn, protection, or wager of law ſhall be allowed: and that all and every ſuch plaintiff or plaintiffs, informer or informers, ſhall in every ſuch ſute and proſecution have and recover his and their treble coſts againſt the perſon offending and forfeiting as aforeſaid; any law, ſtatute, cuſtom, or uſage to the contrary in any wiſe notwithſtanding.

by action of debt, &c.

Offender to pay treble coſts.

II. And for the better avoiding and preventing of all exceſſive and immoderate playing and gaming for the time to come; be it further ordained and enacted by the authority aforeſaid, That if any perſon or perſons ſhall, at any time or times after the ſaid twenty fifth day of December one thouſand ſix hundred ninety eight, play at any of the ſaid games, or any other paſtime, game, or games whatſoever (other than with and for ready money,) or ſhall bett on the ſides or hands of ſuch as do or ſhall play thereat, and ſhall loſe any ſum or ſums of money, or other thing or things, ſo played for, at any time or times whatſoever upon ticket or credit, or otherwiſe, and ſhall not pay down the ſame at the time when he or they ſhall loſe the ſame, the party or parties who loſeth or ſhall loſe the ſaid moneys, or other thing or things ſo played or to be played for, ſhall not in that caſe be bound, or compelled, or compellable to pay or make good the ſame; but the contract and contracts for the ſame, and for every part thereof, and all and ſingular judgments, ſtatutes, recognizances, mortgages, conveyances, aſſurances, bonds, bills, ſpecialties, promiſes, covenants, agreements, and other acts, deeds, and ſecurities whatſoever, which ſhall be obtained, made, given, acknowledged, or entered into for ſecurity or ſatisfaction of or for the ſame, or any part thereof, ſhall be utterly void and of none effect; and that the perſon or perſons ſo winning the ſaid moneys or other things ſhall forfeit and loſe treble the value of all ſuch ſum and ſums of moneys, or other thing and things, which he ſhall ſo win, game, obtain, or acquire upon tick or credit as aforeſaid; the one moiety thereof to our ſovereign lord the King, his heirs and ſucceſſors, and the other moiety thereof to ſuch perſon or perſons, as ſhall proſecute or ſue for the ſame within one year next after the time of ſuch offence committed; and to be ſued for by action of debt, bill, plaint, or information in any of his Majeſty's courts of record at Dublin, wherein no eſſoyn, protection, or wager of law ſhall be allowed; and that every ſuch plaintiff and plaintiffs, informer or informers, ſhall in every ſuch ſute and proſecution have and receive his treble coſts againſt the perſon and perſons offending and forfeiting as aforeſaid; any law, cuſtom, or uſage to the contrary notwithſtanding.

Perſons playing (except with and for ready money) and loſing on credit, not compellable to pay.

All contracts, ſecurities, &c. for the ſame, void.

11 *Anne* 5.

Winner to forfeit treble,

to the King, and proſecutor in a year,

and treble coſts.

A. D. 1698.

CHAP. XII.

An Act for Planting and Preſerving Timber Trees and Woods.

Repealed in part 8 *G.* 1. 8. 2 *Anne* 2. 4 *Anne* 9. *explained.* 9 *Anne* 5.

FORASMUCH as by the late rebellion in this kingdom, and the ſeveral iron works formerly here, the timber is utterly deſtroyed, ſo as that at preſent there is not ſufficient for the repairing the houſes deſtroyed, much leſs a proſpect of building and improving in after times, unleſs ſome means be uſed for the planting and encreaſe of timber trees:

Be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon and perſons being a reſident or reſidents within this kingdom, or who having any eſtate of free-hold and inheritance therein kept or imployed under his, her, or their ſtock, to the value of ten pounds by the year, and every tenant for years, who has eleven years of his or her term unexpired, and who pays ten pounds by the year rent, or more, ſhall from and after the five and twentieth day of March, which will be in the year of our Lord one thouſand ſeven hundred and three, plant or cauſe to be planted at ſeaſonable times yearly, and every year, during the term of thirty one years, ten plants of four years growth, or more, of oak, firr, elm, aſh, walnut, poplar, abeal, or elder, in ſome ditch or elſewhere, on the ſaid lands, and the ſame ſo planted ſhall from time to time preſerve from deſtruction; and all and every perſon or ſociety having iron-works, ſhall plant, or cauſe to be planted in ground ſufficiently and well encloſed for that purpoſe, five hundred trees of the aforeſaid ſorts, or ſome of them, yearly and every year during ſuch time and term as he or they ſhall keep or have the ſaid iron-works.

Perſons reſident, or having freehold and inheritance of 10*l.* yearly under ſtock.

Tenant for years of which 11 unexpired and paying 10*l.* rent,

ſhall plant from 25th of March 1703 ten plants yearly for 31 years, of oak, &c.

and preſerve them.

Perſons having iron works, 500 trees yearly.

II. And be it further enacted, That every perſon and perſons, holding in his, her, or their occupation, five hundred or more acres of land, plantation meaſure, other than tenants in common, ſhall, over and above the aforeſaid ten trees, within ſeven years from the twentieth day of November one thouſand ſix hundred ninety eight, incloſe with a good ſufficient fence of ſtone wall, ditch, hedge, pales, or rails, one plantation acre thereof, and therein within the term of ſeven years aforeſaid ſhall plant, or cauſe to be planted, one plant, which ſhall be at the leaſt of the height of one foot above the ground, when planted, and of the age and times before-mentioned, for every ten foot ſquare contained in ſuch acre, in ſuch method as he, ſhe, or they ſhall think fit; and the ſaid acre ſo planted ſhall from time to time during the term of twenty years, to be accounted from the time of planting the ſame, preſerve and keep well and ſufficiently fenced and incloſed from cattle

Occupying 500 acres, (ſave tenants in common) ſhall alſo incloſe and plant one acre in ſeven years from 20th of November 1698,

and keep fenced 20 years.

III. And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, bodies politick or corporate, who ſhall be ſeized of any lands of inheritance, or by dower, courteſie, or as creditors, whether mortgagees or others, to whom an actual poſſeſſion ſhall be given by vertue of judgment or decree of any of the four courts, ſhall be and is by vertue of this act obliged and liable to the planting of his, her, or their proportion of two hundred and ſixty thouſand ſix hundred trees of oak, elm, or firr of the age and ſize aforementioned yearly and every year during the term of one and thirty years, to be accounted from the twenty fifth of March one thouſand ſeven hundred and three, in ſuch manner and proportion as herein after is expreſſed.

Perſons by this act liable to plant a proportion of 260600 trees for 31 years from 1703, oak, elm, fir.

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IV. And be it further enacted, That the proportion of each county, county of a city, and county of a town, of the ſaid two hundred and ſixty thouſand ſix hundred trees aforeſaid, is and ſhall be as herein after is declared.

The proportion of each county, &c. declared.

1. Antrim county and Carrickfergus, nine thouſand ſeven hundred and fifty.
2. Ardmagh county, four thouſand ſeven hundred and fifty.
3. Catherlagh county, three thouſand two hundred and fifty.
4. Cavan county, four thouſand ſix hundred.
5. Clare county, ſeven thouſand eight hundred.
6. Cork county and city, twenty ſix thouſand ſix hundred.
7. Donegal county, eight thouſand three hundred and fifty.
8. Down county, eight thouſand four hundred.
9. Dublin county (whereof the city and its liberties, twenty one thouſand five hundred) thirty one thouſand nine hundred.
10. Fermanagh county, four thouſand five hundred and fifty.
11. Gallway county, (whereof on Gallway town and liberties, one thouſand three hundred) eleven thouſand eight hundred.
12. Kerry county, four thouſand ſix hundred.
13. Kildare county, ſeven thouſand one hundred and fifty.
14. Kilkenny county, (whereof on Kilkenny city and liberties, ſeven hundred) nine thouſand.
15. King's county, three thouſand nine hundred.
16. Leitrim county, three thouſand two hundred and fifty.
17. Limerick county, (whereof on Limerick city and liberties, one thouſand three hundred) nine thouſand ſix hundred.
18. Londonderry county, city and barony of Colerain, ſix thouſand five hundred.
19. Longford county, two thouſand ſix hundred.
20. Lowth county, (whereof Drogheda and liberties, ſix hundred and fifty) five thouſand two hundred.
21. Mayo county, ſix thouſand five hundred.
22. Meath county, twelve thouſand three hundred and fifty.
23. Monaghan county, four thouſand five hundred.
24. Queens county, three thouſand nine hundred and fifty.
25. Roſcommon county, ſix thouſand five hundred.
26. Sligo county, five thouſand two hundred.
27. Tipperary and Holy-croſs, eighteen thouſand two hundred.
28. Tyrone county, ſix thouſand five hundred.
29. Waterford county, (whereof on Waterford city and liberties, one thouſand and fifty) ſix thouſand five hundred and fifty.
30. Weſt-meath county, ſix thouſand ſix hundred.
31. Wexford county, ſix thouſand five hundred.
32. Wicklow county, three thouſand two hundred and fifty.

V. And to the intent that the number of trees hereby appointed to be planted in each county, county of a city, and county of a town, throughout this kingdom, may be equally and indifferently divided upon the ſeveral parts thereof: be it enacted by the authority aforeſaid, That the grand jury at the ſummer-aſſizes, which will be in the year of our Lord one thouſand ſeven hundred and two, ſhall and may, and are by force and vertue of this act required to apportion the number of trees, to be planted within ſuch county, on each reſpective barony therein; and after ſuch apportionment made, ſhall ſubdivide the proportion of each barony into the ſeveral pariſhes therein; which apportionment and ſubdiviſion ſhall be ſigned by the ſaid grand-jury, and read in open court, after the preſentments for the ſaid county ſhall be read: and if no cauſe appear to the ſaid grand-jury for altering any of the aforeſaid apportionments upon read-

9 *Anne* 5. Grand jury to apportion the number of each barony,

and ſubdivide into pariſhes.

which, when read in court after preſentment, concluſive,

ing the ſame, which the ſaid grand-jury are hereby impowered to do, if the ſame appear reaſonable to them, then and from thenceforth the ſaid apportionment firſt made, or the ſame ſo amended, ſhall be and is by vertue of this act declared to be concluſive; which ſaid apportionment on each barony and pariſh ſhall, within one month after the laſt day of the aſſizes aforeſaid, be certified to the high conſtable of each barony reſpectively within the ſaid county by the clerk of the crown for ſuch county under his hand, without fee or reward.

and certified to each high conſtable,

VI. And be it further enacted, That the reſpective high conſtables, within one month after their receiving ſuch apportionments as is aforeſaid, ſhall certify and deliver to the miniſters and church-wardens of each pariſh, under his hand, without fee or reward, the number of trees preſented by the ſaid grand-jury to be proportioned to be planted within ſuch pariſh; which ſaid miniſter and church-wardens, within one month after the delivery of ſuch certificate to them as is aforeſaid, ſhall ſummon a veſtry of the ſaid pariſh, where the number of trees, which ſhall be the proportion of each perſon within the ſaid pariſh, or having or holding any land therein, ſhall be agreed and adjuſted.

and delivered to miniſters and church wardens,

and adjuſted at veſtry in a month after.

VII. Provided always, That no perſon or perſons be charged or chargeable with the planting any tree or trees by vertue of this act, otherwiſe than on account and with reſpect to what land he, ſhe, or they poſſeſs, occupy, or enjoy; but that the ſaid lands ſhall and do remain chargeable therewith yearly, and every year, during the continuance of this preſent act.

The lands chargeable yearly.

VIII. And for the greater encouragement of planting, be it enacted by the authority aforeſaid, That all and every perſon and perſons having lands in dower, jointure, or by courteſie, or who ſhall have an actual poſſeſſion as mortgagees, or as creditors by any other ways or means, who ſhall in execution of this act plant any number of trees, ſuch perſon and perſons, their and every of their executors and adminiſtrators ſhall and may demand and receive from every perſon and perſons, to whom the reverſion, remainder, or other right and title of ſuch lands ſhall come after the determination or other avoidance of the intereſt of ſuch perſon who planted the ſaid trees, the ſum of two pence for each tree planted by force and virtue of this act, and which ſhall upon the determination or avoidance of his, her, or their intereſt, be found growing on the ſaid lands, in good condition for timber, not being cut, broken or thinted, but well fenced and preſerved, according to the intent and meaning of this act.

Tenants in dower, &c. mortgagees or creditors in poſſeſſion to have from thoſe in remainder, &c. 2d. each tree planted and preſerved at determination of ſuch intereſt,

IX. And be it further enacted, That it ſhall and may be lawful to and for the juſtices of the peace, herein after appointed, to iſſue warrants under their hands and ſeals directed to the high conſtable of the barony, or petty conſtable of the pariſh, wherein ſuch perſon reſides, who ought to pay the ſaid two pence *per* tree, for levying the ſame by diſtreſs, if need be, and ſale of the goods ſo diſtrained, rendering to the owner of ſuch goods the overplus, if any be, after the ſaid two pence *per* tree ſhall be paid, and reaſonable charges for diſtraining firſt deducted; which ſaid warrant ſhall be granted without fee or reward.

levied by diſtreſs and ſale under warrant of juſtices,

X. Provided always, That no ſuch warrant ſhall be made till firſt the perſon or perſons claiming the ſaid two pence *per* tree ſhall by himſelf, or ſome other credible perſon, make oath, that the ſame has been demanded from the perſon, to whom the poſſeſſion and right of the ſaid lands are come; and ſhall likewiſe make appear by the oath of two or more credible witneſſes the number of trees, ſtanding, growing, and planted on the ſaid lands by vertue of this act, with the condition they are in; upon which proof ſo made, if the perſon from whom the ſaid two pence *per* tree was demanded, or ſome one in his behalf do not appear, the ſaid juſtices ſhall proceed as to them ſhall ſeem juſt and equitable; and if the ſaid perſon, on whom the ſaid demand is, or any perſon on his behalf, ſhall appear before the ſaid juſtices, then and in ſuch caſe the ſaid juſtices ſhall and may make and give ſuch definitive ſentence and judgment as the caſe requires, upon proof heard on both ſides, and the ſame ſhall cauſe to be executed by warrant as aforeſaid.

Oath being firſt made of demand,

and proof of number and condition of the trees.

determined by the juſtices.

Leſſee yearly not having 20 y. unexpired at time of planting ſaid acre, may detain 10s. yearly for the fence and the yearly value of the acre, to be allowed in his rent.

XI. And be it further enacted, That every leaſſee for years, who ſhall not have a term of at leaſt twenty years unexpired at the time of his planting ſuch acre, as is herein and hereby expreſt, ſhall and may detain in his hand yearly, and every year during the continuance of his term, the ſum of ten ſhillings towards the maintaining and ſupporting the fence of the ſaid acre, over and above the yearly value of the ſaid acre of land; which ſaid ten ſhillings yearly, and the yearly value of the ſaid acre, ſhall be allowed as payment in his rent for ſo much, and ſhall be pleadable in all and every his Majeſty's courts of law, and this act and the ſpecial matter given in evidence.

No cattle to graze or treſpaſs on the land ſo incloſed. Penalty 20s. to informer and the poor.

XII. And foraſmuch as the good effects of planting intended by this act will in great meaſures be fruſtrated, unleſs due care be taken of all trees planted purſuant thereunto; be it further enacted by the authority aforeſaid, That no poſſeſſor, tenant, or occupier of any land incloſed and planted by vertue of this act, ſhall for the term of twenty years ſuffer ſheep or cattle of any ſort to graze or treſpaſs the land ſo incloſed, under the penalty of twenty ſhilling for every ſuch grazing or treſpaſs as is aforeſaid, to be levied as other penalties are herein after directed; the one moiety thereof to the uſe of the informer, and the other moiety to the uſe of the poor of the pariſh, wherein the ſaid offence ſhall be committed.

None to ſtrip bark of trees ſtanding, or make gads of oak, or cut May buſhes, or keep goats (ſave in mountains). Penalty, forfeiture thereof, and 20s. as before.

XIII. And be it further enacted by the authority aforeſaid, That no perſon whatſoever ſhall ſtrip bark from any growing or ſtanding tree whatever, or ſhall cut, make, or ſell any gads made of oak; or ſhall cut or place at their doors or elſewhere any green trees, commonly called May-buſhes; or ſhall keep any goat or goats, other than in mountains, under the penalty of forfeiting the ſame, and likewiſe of paying the ſum of twenty ſhillings for every ſuch offence, to be levied as herein is after directed; the one moiety thereof to the informer, and the other moiety to the poor of the pariſh where ſuch perſon ſo offending ſhall be apprehended.

No broguemaker or others, except publick tanners, ſhall tan or keep in pits hides or ſkins, nor any, except known dyers, ſhall colour linnen yarn, &c. with bark. Penalty not above 40s. each offence.

XIV. And whereas the bark of ſtanding trees has been heretofore uſually ſtript for tanning hides of ſtolen cattle in boggs and other private places, and for dying linnen yarn, thread and ſkins by perſons in private houſes: for remedy whereof for the future be it enacted by the authority aforeſaid, That from and after the twentieth day of November one thouſand ſix hundred ninety eight, no broag-maker or other perſon whatſoever, other than publick and known tanners, do tan or keep in lime or other pits in order to tanning, any hide or hides, ſkin or ſkins whatever; and that no ſpinner, weaver, ſkinner, or other perſon whatever, not being a known dyer and exerciſing the trade of a dyer, ſhall colour or dye any linnen yarn, thread, ſkins, or gloves with the bark of any tree, or of ſuch colour as is uſually dyed with the bark of any tree, growing in this kingdom, under the pain of ſuch fine not exceeding forty ſhillings for any one offence, as the juſtices herein after appointed ſhall impoſe.

Penalty of cutting down trees between ſun-riſe and ſun-ſet, treble value to own-

XV. And whereas ſeveral idle and vagrant perſons do uſually cut down or grub up trees by the roots, upon preſumption that ſuch offence, being no more than treſpaſs, they may eſcape puniſhment: for remedy whereof be it enacted, That from and after

the twentieth day of November one thouſand ſix hundred ninety eight, every perſon and perſons, who between ſun-riſing and ſun-ſetting, ſhall ſaw or otherwiſe cut down any tree or trees, not being thereunto authorized by the perſon who has a right to ſuch tree or trees, ſhall for every ſuch offence forfeit to the owner of ſuch tree or trees treble the value of ſuch tree or trees, the ſame to be aſcertained by the juſtices in their publick ſeſſions, and ſhall pay as a fine for every ſuch tree or trees ſo cut or grubbed up ſuch ſum not exceeding forty ſhillings, nor under five ſhillings, as to the ſaid juſtices ſhall ſeem reaſonable: and in caſe the ſaid perſon or perſons ſhall refuſe, or not be able to anſwer the damages, and pay the fine impoſed by the ſaid juſtices, then and in ſuch caſe the ſaid juſtices in open ſeſſions ſhall by warrant under their hands and ſeals commit ſuch perſon or perſons to the houſe of correction for any time not exceeding or under three months, there to remain at hard labour, and having due correction according to law: and where any perſon or perſons ſhall after ſun-ſetting and before ſun-riſing ſaw, cut down, or grub up any tree or trees, ſuch perſon and perſons ſhall by the next juſtice of the peace be committed to the county goal as a felon, and ſhall, being thereof convict, ſuffer all the pains and penalties of felony.

ers, aſcertained at ſeſſions; and a fine not above 40s. nor under 5s.

on default thereof, to houſe of correction for 3 months.

Cutting, &c. after ſun-ſet, felony.

XVI. And whereas divers perſons do hire themſelves to work in noblemens, gentlemens, or nurſerymens gardens, with deſign to ſteal from thence trees, plants, greens, or flower-roots, or to give notice to their accomplices how and at what times they may ſteal the ſame: for remedy whereof be it enacted, That all and every perſon, who ſhall be taken with or found having or ſelling any ſort of fruit-trees, nurſery-plants, flower-trees, green plant flowers with their roots, or their roots alone, or any quantity of fruit, ſuch perſon not having a nurſery, flower-garden, or orchard of his or her own, or who does not publickly follow the trade of buying and ſelling fruit; or who ſhall be taken with bee-hives with honey or combs in them, or with freſh honey in combs, and not keeping bees of his or her own, ſhall be obliged to prove how he or ſhe came by the ſame; and upon failure of ſuch proof ſhall be deemed and taken to be guilty of ſtealing; and upon tryal in caſe of ſuch failure ſhall be convict of ſuch offence, and ſuffer all the penalties which by law ought to be inflicted on ſuch offence.

To prevent ſtealing plants, &c.

Perſons having or ſelling fruit-trees, flower-roots, &c. or honey, not having nurſery, orchard, or bees, muſt prove how they came by them:

on failure guilty of ſtealing.

XVII. And to the intent that this ſo neceſſary a law may be put in due execution; be it enacted by the authority aforeſaid, That the juſtices of the peace of that county at their ſeſſions of the peace may and ſhall, from time to time after the twentieth day of November one thouſand ſix hundred ninety

Juſtices at ſeſſions to execute this act,

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eight, have full power and authority to execute all and every part of this act: and the ſaid juſtices as aforeſaid ſhall and may, and are hereby required after the twenty-fifth of March one thouſand ſeven hundred and three, at their reſpective quarter-ſeſſions, to hear and finally determine all controverſies that ſhall or may ariſe between party and party by reaſon of this act, ſhall be heard and finally determined by the ſaid juſtices.

and to determine all controverſies.

XVIII. And to the intent that every perſon and perſons may be puniſhed, who ſhall neglect or refuſe to plant ſuch number of trees, and the ſame to preſerve purſuant to the intent and meaning of this act, which he, ſhe, or they are obliged to; be it enacted by the authority aforeſaid, That at every Michaelmas ſeſſions to be held as aforeſaid after the twenty-fifth day of March, which will be in the year of our Lord one thouſand ſeven hundred and three, all and every the high conſtables and petty conſtables of each county within this kingdom, purſuant to a precept to be directed to the ſeveral high conſtables by the clerks of the peace of the reſpective counties within this kingdom (which precept the ſaid clerk of the peace is hereby required to iſſue at leaſt ten days before ſuch ſeſſions, under the penalty of forty ſhillings for every default), ſhall give in a return in writing upon oath, under the penalty of forty ſhillings for each and every failure herein reſpectively, of the names, with the places of abode, of every perſon within their reſpective baronies or conſtableweiks, who are hereby obliged to plant the ten trees, the five hundred trees, and the acre aforementioned, together with the names of the lands, for or by reaſon whereof every perſon is obliged to plant the proportion annext to his or her name; and likewiſe the proportion of the two hundred and ſixty thouſand ſix hundred trees to be yearly planted by each reſpective inhabitant obliged to plant the ſame, together with his and their name and place of abode, and that each petty conſtable within his reſpective pariſh has given or cauſed to be given notice to every ſuch perſon as is aforeſaid, of his, her, or their being ſo returned to the ſaid ſeſſions; and that whilſt the court is ſitting the clerk of the peace ſhall openly read all the ſaid returns, ſo as that every perſon may know what number of trees he, ſhe, or they are obliged to plant that year; and likewiſe that if any perſon or perſons ſhall find him, her, or themſelves aggrieved by being returned for lands which are not enjoyed, nor do any ways belong to him, her, or them, ſuch relief therein may be ordered by the ſaid juſtices as to them ſhall ſeem juſt and reaſonable.

Conſtables at Mich. ſeſſ. purſuant to precept by clerks of peace (iſſued ten days before ſeſſ. on pain of 40s.) ſhall, under pain of 40s. return in writing on oath names and places of abode of perſons obliged to plant as aforeſaid, and of the lands, and proportion of trees;

and give notice thereof to the perſons;

Clerk to read openly ſaid returns:

juſtices to relieve perſons grieved thereby.

XIX. And be it further enacted, That at every Eaſter ſeſſions the returns made and allowed the preceding Michaelmas ſeſſion ſhall again be openly read and called over in court; and that all and every perſon, who upon the ſecond call of his or her name ſhall not by his or her oath, or by certificate of ſome one of the juſtices of it, having appeared to him by the oath of that of in the pariſh of had that year planted or cauſed to be planted trees purſuant to this act (which ſaid certificate every juſtice is required to give *gratis*, upon the oath of the party, or of one credible witneſs) make appear, that he, ſhe, or they have planted in that year the number of trees, to which he, ſhe, or they were obliged by vertue of this act, ſhall be deemed and adjudged not to have planted the ſame; and ſhall for each ten trees, which ſuch perſon or perſons have ſo neglected to plant, forfeit the ſum of ten ſhillings; for each five hundred trees as is aforeſaid, the ſum of five pounds; and for each acre not incloſed and planted, the ſum of five pounds; the ſaid reſpective fines to be impoſed each Eaſter ſeſſions yearly and every year until ſuch perſon or perſons, having ſo made default, ſhall make proof of his or her having planted his or her proportion of trees, and preſerved the ſame purſuant to the true intent and meaning of this act.

Returns allowed read again at Eaſter ſeſſ.

Perſons adjudged not to have planted, who ſhew not by oath or certificate of a juſtice that they have.

The ſeveral fines impoſed for not planting.

XX. And

A. D. 1698. Chap. 12.

XX. And be it further enacted, That the clerk of the peace ſhall enter into a book, to be prepared for that purpoſe, every oath ſo made and certificate ſo produced; for which ſaid entry the perſon making the ſaid oath, or producing the certificate, ſhall pay three pence and no more.

Oath and certificate entered in a book, paying 3d.

XXI. And for the better encouragement of all perſons, who by vertue of this act are or may be obliged to plant the ſaid ten trees yearly, ſo to fence and preſerve the ſame as that the publick may reap the benefit thereof by the increaſe and growth of timber within this kingdom: be it enacted by the authority uforeſaid, That every perſon planting in any one year any number of trees, of the ſeveral kinds appointed by this act, and procuring to be regiſtred a certificate thereof as is aforeſaid, ſhall be thereby indempnified from the penalties of this act, for ſo long time as ſuch number of trees ſhall anſwer the ten trees to be yearly planted; provided that none of the ſaid trees be planted purſuant to any other obligation or clauſe in this act.

Encouragement to fence and preſerve ſaid trees.

XXII. Provided alſo, That every ſuch perſon, being a tenant for term of years, do preſerve the ſaid trees till the expiration of his leaſe.

Tenant yearly to preſerve till expiration of leaſe.

XXIII. And be it further enacted, That no perſon or perſons whatſoever be aſſeſſed, rated, or required to plant any number of trees otherways, or on any other account than for or by reaſon of land held by him, her, or them; but that from and after ſuch perſon and perſons term or intereſt in ſuch land, by vertue whereof he, ſhe, or they become obliged to plant ſuch trees, ſhall ceaſe and determine; ſuch perſon and perſons ſhall be and are hereby declared to be free and exempted from all obligations of planting by reaſon of ſuch land, and his, her, or their intereſt therein, and from all the penalties of this act by reaſon thereof.

Perſons to plant only by reaſon of land held.

after their intereſt determined, exempted.

XXIV. Provided always, That ſuch land, and the occupiers, poſſeſſors, and proprietors thereof ſhall from time to time, and at all times during the continuance of this preſent act, be and remain liable to the planting the number of trees herein and hereby required to be planted, after the ſame manner as if ſuch occupiers, poſſeſſors, or proprietors had been firſt preſented to have planted the ſame; any thing herein contained to the contrary in any wiſe notwithſtanding.

Occupiers of the land from time to time liable.

XXV. And be it further enacted by the authority aforeſaid, That all penalties and fines incurred, and to be levied by vertue of this act, ſhall and may be levied by diſtreſs and ſale of goods, if need be, or by committal of the perſon, where no diſtreſs can be found, by warrant under the hand and ſeal of two or more of the ſaid juſtices as aforeſaid; and that all fines and forfeitures ſo levied, and not herein or hereby otherwiſe diſpoſed of, ſhall be applied to the encouragement of the linnen and hempen manufactures, and for defraying the neceſſary charge of the ſeveral ſeſſions, the ſame to be diſpoſed of to the uſes aforeſaid, according to the directions and orders of the ſaid juſtices as aforeſaid, which ſhall be made by them in open ſeſſions.

Penalties and fines levied by diſtreſs and ſale, or committal where no diſtreſs;

and, if not hereby otherwiſe diſpoſed, applied to linnen manufacture, and charge of ſeſſions, as by juſtices in open ſeſſions.

XXVI. And to the end that all manner of perſons may be throughly informed of the contents and tenor of this act; be it further enacted, That all juſtices of goal-delivery ſhall at each reſpective aſſizes give the ſame in charge, and ſhall cauſe the clerk of the crown or his deputy, after the charge given, to read

This act to be given in charge, and read at aſſizes.

A. D. 1698.

this act in open court with an audible voice, ſilence being firſt commanded.

CHAP. XIII.

An Act to prevent Papiſts being Solicitors.

6 *Anne* 6. 1 *G.* 2. 20. 7 *G.* 2. 5. By *Eng.* ſtat. 7 & 8. *W.* & *M.* 24. Solicitors obliged to take the oaths, *&c.*

WHEREAS by a ſtatute made in England, in the ſeventh year of his preſent Majeſty's reign intituled, *An Act for requiring the practiſers of the law to take the oaths, and ſubſcribe the declaration therein mentioned:* The common ſolicitors in that kingdom are obliged to take the oaths and ſubſcribe the declaration as aforeſaid: which ſaid act hath been found to be a general good to his Majeſty's ſubjects in England: and whereas by experience in this kingdom it hath been always found, that papiſts ſolicitors have been and ſtill are the common diſturbers of the peace and tranquility of his Majeſty's ſubjects in general: and whereas at this time there are a great number of papiſt ſolicitors and agents, practiſing within the ſeveral courts of law and equity in this kingdom; by whoſe numbers, and the daily increaſe of them, great miſchiefs and inconveniencies are likely to enſue to the prejudice and diſquiet of his Majeſty's ſubjects: for remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the firſt day of March in this preſent year of our Lord one thouſand ſix hundred ninety eight, no perſon or perſons ſhall practiſe or act as ſolicitor in any court of law or equity, or as agent or manager in any cauſe or ſute in law or equity, or as ſeneſchal, or ſolicitor, in all or any the courts or offices in this kingdom, not having firſt taken the oaths, and ſubſcribed the declaration following:

Said act a general good. Papiſt ſolicitors common diſturbers.

Great numbers practiſing in this kingdom.

None ſhall act as ſolicitors, not having taken the oaths and ſubſcribed the declaration following.

vid. 3 & 4 *W.* & *M.* 2. *Eng.*

I A. B. *do ſincerely promiſe and ſwear, that I will be faithful, and bear true allegiance to his Majeſty King William.*

So help me God.

I A. B. *do ſwear, that I do from my heart abhor, deteſt and abjure, as impious and heretical, that damnable doctrine and poſition, that princes excommunicated or deprived by the pope, or any authority of the ſee of Rome, may be depoſed or murdered by their*

ſubjects, or any other whatſoever. And I do declare that no foreign prince, perſon, prelate, ſtate or potentate, hath or ought to have any juriſdiction, power, ſuperiority, preheminence, or authority, eccleſiaſtical or ſpiritual, within this realm.

So help me God.

I. A. B. *do ſolemnly and ſincerely in the preſence of God, profeſs, teſtify, and declare, That I do believe, that, in the ſacrament of the Lord's-Supper, there is not any tranſubſtantiation of the elements, of bread and wine into the body and blood of Chriſt, at or after the conſecration thereof by any perſon whatſoever; and, that the invocation and adoration of the Virgin Mary, or any other ſaint, and the ſacrifice of the maſs, as they are now uſed in the church of Rome, are ſuperſtitious and idolatrous. And I do ſolemnly (in the preſence of God) profeſs, teſtify, and declare, that I do make this declaration, and every part thereof in the plain and ordinary ſenſe of the words read unto me, as they are commonly underſtood by Proteſtants, without any evaſion, equivocation, or mental reſervation whatſoever; and without any diſpenſation already granted me for this purpoſe by the Pope, or any other authority or perſon whatſoever, or without diſpenſation from any perſon or authority whatſoever, or without believing that I am, or can be acquitted before God or man, or abſolved of this declaration, or any part thereof, altho' the pope, or any other perſon or perſons, or power whatſoever ſhould diſpenſe with or annul the ſame, or declare that it was null and void from the beginning.*

Penalty 1 col. to proſecutor.

And that any perſon, who ſhall practiſe as aforeſaid before he ſhall have taken the ſaid oaths, and ſubſcribed the ſaid declaration, contrary to the purport and meaning of this act, ſhall for every ſuch offence forfeit the ſum of one hundred pounds, to be recovered by ſuch perſon or perſons as will ſue for the ſame in any of his Majeſty's courts of record by writ, bill, plaint or information; in which no eſſoyn, priviledge, protection, or wager of law ſhall be allowed; and every perſon, lawfully convicted of ſuch offence by ſuch ſute, ſhall from thenceforth be uncapable to be executors or adminiſtrators, or to take any benefit by any legacy, gift, grant, of any lands, tenements, hereditaments, goods or chattles whatſoever.

And diſabled to be executors, take legacy, gifts, &c.

They ſhall alſo educate their children proteſtants.

II. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall, from and after the firſt day of March one thouſand ſix hundred ninety eight, act as ſolicitor, agent, or manager in any cauſe or ſute, that is or ſhall be depending in the four-courts of Dublin, or in any other courts of record, or

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as ſeneſchal, or ſolicitor in the ſaid courts, or in any other of the courts or offices in this kingdom but ſuch perſon or perſons only, who ſhall firſt take the ſaid oaths, and ſubſcribe the ſaid declaration, and ſhall alſo educate all his children in the proteſtant religion.

But perſons may act in their own ſuits only, or as menial ſervants for maſters,

III. Provided always, That nothing in this act contained, ſhall be taken to extend to prohibit any perſon or perſons, plaintiff or defendants, in his or their own ſute or ſutes only, or to any menial ſervant acting as ſuch for his maſter in his ſute or ſutes only in any of his Majeſty's courts of this kingdom, and for no other perſon whatſoever.

and not to extend to profeſſed common ſolicitors in reign of *C.* 2. and comprehended in articles of Limerick. 1 *G.* 2. 20. 7 *G.* 2. 5. 21 & 22 *G.* 3. 32.

IV. Provided always, That nothing in this act contained ſhall be taken to extend to hinder any perſon or perſons, that was or were known as profeſſed common ſolicitor, manager, or agent in any cauſe or cauſes, ſute or ſutes, in any of the courts of this kingdom in the reign of the late King Charles the ſecond; and that hath or have been, or ſhall be, adjudged to be comprehended within the articles of Limerick, made upon the ſurrender thereof to his Majeſty's obedience; any thing in this act contained to the contrary hereof in any wiſe notwithſtanding.

CHAP. XIV.

An Act for determining Differences by Arbitration.

WHEREAS it hath been found by experience, that references made by rule of court hath contributed much to the eaſe of the ſubject, in determining controverſies, becauſe the parties become thereby obliged to perform the award of arbitrators choſen by themſelves, under the penalty of impriſonment for their contempt, in caſe they refuſe to perform the ſame: now for promoting trade, and rendering the awards of arbitrators the more effectual in all caſes, for the final determination of controverſies referred to them by merchants and traders, or others, containing matters of account or trade, or other matters; be it enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That from and after the firſt day of March which ſhall be in the year of our Lord one thouſand ſix hundred ninety eight, it may be lawful for all merchants, traders and others, deſiring to end by arbitration any controverſy, ſute, or quarrel, controverſies, ſutes, or quarrels, for which there is no other remedy but by perſonal action or ſute in equity,

9 & 10 *W.* 3. 15. *Eng.* Merchants, &c. may agree that their ſubmiſſion of a controverſy, (for which no remedy but by perſonal action or ſuit in equity) to award or umpirage be made a rule of any court of record, and inſert the agreement in their ſubmiſſion, &c.

to

to agree that their ſubmiſſion of the matter to the award or umpirage of any perſon or perſons ſhould be made a rule of any of his Majeſty's courts of record, which the parties ſhall chuſe, and to inſert ſuch their agreement, in their ſubmiſſion, or the condition of the bond or promiſe, whereby they oblige themſelves reſpectively to ſubmit to the award or umpirage of any perſon or perſons; which agreement being ſo made, and inſerted in their ſubmiſſion or promiſe, or condition of their reſpective bonds, ſhall or may, upon producing an affidavit thereof made by the witneſſes thereunto, or any one of them, in the court of which the ſame is agreed to be made a rule, and reading and filing the ſaid affidavit in court, be entered of record in ſuch court; and a rule ſhall be thereupon made by the ſaid court, that the parties ſhall ſubmit to, and finally be concluded by, the arbitration or umpirage, which ſhall be made by the arbitrators or umpire purſuant to ſuch ſubmiſſion: and in caſe of diſobedience to ſuch arbitration or umpirage, the party neglecting or refuſing to perform or execute the ſame, or any part thereof, ſhall be ſubject to all the penalties, by the courſe and practice of ſuch court uſually inflicted on ſuch as contemn a rule of the ſaid court, made in a cauſe depending therein, and the court on motion ſhall iſſue proceſs accordingly; which proceſs ſhall not be ſtopped or delayed in its execution by any order, rule, command, or proceſs of any other court, either of law or equity, unleſs it ſhall be made appear on oath to ſuch court, that the arbitrators or umpire miſbehaved themſelves, and that ſuch award, arbitration, or umpirage, was procured by corruption or other undue means.

Which agreement, on reading affidavit thereof by one of the witneſſes, ſhall be entered of record, and a rule made that the parties be finally concluded.

Party diſobeying ſubject to penalties as for a contempt.

and proceſs to iſſue on motion, and not ſtopped unleſs oath made of miſbehaviour of arbitrators and undue means.

II. And be it further enacted by the authority aforeſaid, That any arbitration or umpirage, procured by corruption or undue means, ſhall be adjudged and eſteemed void and of none effect, and accordingly be ſet aſide by any court of law or equity; ſo as complaint of ſuch corruption or undue practice be made in the court, where the rule is made for ſubmiſſion to ſuch arbitration or umpirage, before the laſt day of the next term after ſuch arbitration or umpirage made and publiſhed to the parties; any thing herein contained to the contrary notwithſtanding.

Arbitration by corruption or undue means void, and ſet aſide in law or equity, complaint being made before laſt day of next term after arbitration.

CHAP. XV.

An Act for the better Management and Diſpoſal of the Lands ſet apart for the Support of the Fort of Duncannon.

Recital of 14 & 15 C. 2. 2. ſec. 202. veſted in the King and his heirs, &c. 23 & 24 G. 3. c. 51. ſ. 1.

WHEREAS in an by one act intituled, *An Act for the better execution of his Majeſty's gracious declaration, for the ſettlement of his Majeſty's kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſoldiers, or other his ſubjects there.* It is amongſt other things enacted and provided to the effect following: "that the commiſſioners for execution of the ſaid act "ſhould ſet out, or cauſe to be ſet out, ſo much of the forfeited "lands as do amount unto the clear yearly value of three hundred "pounds *per annum*, and are neareſt adjacent, and lye moſt con-"tiguous, unto the fort of Duncannon; which lands ſo as afore-"ſaid to be ſet out ſhall be reſerved unto his Majeſty, his heirs "and ſucceſſors, to the intent that the rents iſſues, and profits "thereof may for ever be imployed for and towards the better "ſupport and maintenance of the fort aforeſaid; and all and "every the adventurers and ſoldiers, and other reprizable per-"ſons, to whom any of the ſaid lands ſo as aforeſaid to be ſet "out have been heretofore allotted or diſpoſed, ſhall be forth-"with reprized out of ſome other forfeited lands of an eſtate of "equal value, worth, and purchaſe; any thing in the ſaid act "contained to the contrary notwithſtanding:" and whereas in purſuance and execution of the ſaid clauſe in the ſaid act; the ſaid commiſſioners have ſet out the ſeveral forfeited lands hereafter mentioned: that is to ſay, the lands of Knockroe, and Paſſage containing one hundred fifty nine acres; Crooke, two hundred ſeventy five acres; New-town, containing two hundred ſixty ſix acres; Knocknegaple, containing eighty two acres; Rahin, containing ninety four acres; and in Fatlegg, which were retrenched by captain Bolton, two hundred ſeventy two acres in the barony of Gualtire, in the county of Waterford, or county of the city of Waterford, and reſerved the ſame unto his late Majeſty King Charles the ſecond, for the fulfilling and anſwering the intents and purpoſes aforeſaid. And his ſaid late Majeſty hath by letters patents, bearing date the one and twentieth day of May in the one and twentieth year of his ſaid late Majeſty's reign, granted the ſame unto Richard earl of Arran, Marcus lord viſcount Dungannon, Sir John Temple knight, then maſter of the rolls of this kingdom, Sir Robert Byrone, and Sir Theophilus Jones, and the heirs of the ſurvivor of them in truſt for, and to anſwer the uſes, intents, and purpoſes aforeſaid; and not any way for the uſe,

benefit or behoof of the ſaid patentees, or any of them, or any of their heirs: and whereas the right honourable Richard late earl of Arran, one of the ſaid patentees, ſurvived all and every the ſaid other patentees, and became ſeized of all and every the ſaid lands by ſurvivorſhip, to the uſes, intents, and purpoſes aforeſaid; and the ſame after the deceaſe of the ſaid earl, are deſcended upon the honourable the lady Charlote Butler, only daughter and heireſs of the ſaid earl, through whoſe minority and uſual reſidence and abode in England, the ſaid truſts and purpoſes cannot be performed, executed, or diſcharged, as the publick ſervice requires; and thereby the ſaid fort cannot be ſo ſupported and repaired, nor the ſaid eſtate managed to the beſt advantage, to anſwer the ends aforeſaid: be it therefore enacted by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in Parliament aſſembled, and by authority of the ſame, That the ſaid lands and all the eſtate, right, title, and intereſt in and to the ſaid towns and lands above mentioned, which came and deſcended to the ſaid lady Charlote Butler, daughter and heireſs to the ſaid Richard earl of Arran, ſhall be and hereby is and are veſted and adjudged to be veſted in Philip Savage eſquire, Thomas Brodrick eſquire, colonel William Ponſonby, Sir John Maſon, and Allan Brodrick eſquire, their heirs and aſſigns, in the ſame manner to all intents, as the ſame before paſſing this act were in the ſaid lady Charlote Butler; and that the ſaid Philip Savage, Thomas Brodrick, William Ponſonby, Sir John Maſon, and Allan Brodrick, their heirs and aſſigns, ſhall ſtand and be ſeized thereof to the ſame truſts, intents, and purpoſes, as the ſaid Charlote Butler ſtood ſeized thereof, by, from and after the deceaſe of her ſaid father, and to no other uſe, truſt or purpoſe whatſoever: ſaving to all perſons whatſoever, and to all bodies politick and corporate, all ſuch poſſeſſion, eſtate, right, title, claim, demand, entry, action, or cauſe of action whatſoever in law or equity, as the ſaid perſons had, or might have had, if this preſent act had not been made.

A. D. 1698. Chap. 15.

A. D. 1698.

CHAP. XVI.

An Act for explaining ſome Doubts that may ariſe on the Expoſition of an Act paſſed this Seſſion of Parliament, intituled, An Act for confirming Eſtates and Poſſeſſions held and enjoyed under the Acts of Settlement and Explanation. *And alſo for amending ſome Words in an Act paſſed the laſt Seſſion of this preſent Parliament, intituled,* An Act to hinder the Reverſal of ſeveral outlawries and attainders: and to prevent the return of Subjects of this Kingdom, who have gone into the Dominions of the French King in Europe.

Recital of 10 *W.* 3. 7.

WHEREAS by an act of Parliament lately enacted in this kingdom, intituled, *An Act for confirming eſtates and poſſeſſions held and enjoyed under the acts of ſettlement and explanation*; a doubt hath ariſen whether the eſtate, right, title, chiefry, or intereſt whatſoever of any archbiſhop, biſhop, dean, dean and chapter, prebendary, colledge, parſon, vicar, or other ſpiritual perſon is or may be barred or prejudiced by the ſaid act: for clearing of which doubt, be it enacted and declared by the King's moſt excellent Majeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, and by authority of the ſame, That nothing in the ſaid act ſhall be taken, conſtrued, or intended to bar the right, title, or intereſt of any archbiſhop, biſhop, dean, dean and chapter, colledge, prebendary, or other eccleſiaſtical dignitary, parſon, vicar, or other incumbent, or any of their ſucceſſors, to any lands, tenements, chiefries, priviledges, royalties, or hereditaments whatſoever they or any of them were intituled unto at the time of paſſing of the ſaid act; but that they and every of them, and their reſpective ſucceſſors, ſhall have ſuch right and title as they or any of them had at or before the making the ſaid act, and may be at liberty to proſecute any action, commence any ſute, diſtrain, or purſue ſuch methods for recovery of ſuch their right and title to any lands, tenements, chiefries, rent-charges, royalties, or privileges as they or any of them might have done at or upon the firſt day of October one thouſand ſix hundred ninety eight; any thing in the ſaid recited ſtatute to the contrary notwithſtanding.

and a doubt whether the right of ſpiritual perſons thereby barred,

Right of ſuch perſons not barred,

may be proſecuted as if ſaid act not made.

Recital of 9 *Wil* 3. 5.

II. And whereas in one act paſſed in this Parliament, intituled, *An Act to hinder the reverſal of ſeveral outlawries and attainders, and to prevent the return of ſubjects of this kingdom, who have gone into the dominions of the French King in Europe*; there is contained one clauſe in the words following; "And be it further

further

" ther declared and enacted by the authority aforeſaid, That all " and every the eſtates, rights, titles, and intereſts, either in law " or equity, in or to any lands, tenements, or hereditaments of " any perſon or perſons being of the Proteſtant religion, or " profeſſing to be of the Proteſtant religion, on or before the " twenty ſeventh day of July one thouſand ſix hundred ninety " ſeven, and hath continued ſo from that time hitherto, or till the " time of his or their death, ſhall be and remain of ſuch force " and effect in law or equity reſpectively, and no other, than if " this act had not been made; any thing in this act contained " to the contrary notwithſtanding." In which clauſe, the words following: that is to ſay, (the twenty ſeventh day of July one thouſand ſix hundred ninety ſeven) were by miſtake inſerted inſtead of the words following: that is to ſay, (the twenty ſeventh day of July one thouſand ſix hundred eighty nine) which miſtake will in great meaſure fruſtrate and elude the intention of that clauſe in the ſaid act: be it therefore declared and enacted by the authority aforeſaid, that the ſaid clauſe in the ſaid former act ſhall alway hereafter be conſtrued and underſtood in the ſame manner, as if the ſaid words in the ſaid former act had been the twenty ſeventh day of July one thouſand ſix hundred eighty nine, inſtead of the twenty ſeventh day of July one thouſand ſix hundred ninety ſeven: and that the ſaid clauſe in the ſaid former act ſhall not extend, or be conſtrued to extend, to ſave or confirm any eſtate, right, title, or intereſt, either in law or equity, of any perſon or perſons of the Proteſtant religion, or that profeſſed themſelves to be of the Proteſtant religion, in or to any lands, tenements, or hereditaments, that did not profeſs themſelves to be of the Proteſtant religion on or before the twenty ſeventh day of July one thouſand ſix hundred eighty nine, and have alſo continued ſo from that time hitherto, or till the time of his or their death.

A. D. 1698.

and miſtake in a clauſe thereof,

which inſtead of 27 July 1697, ſhall be conſtrued 27 July 1689.

R + H. W. C

The END of the THIRD VOLUME.